

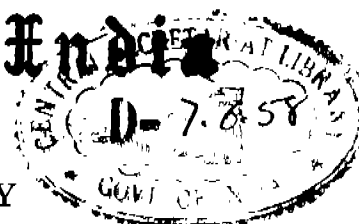
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The Gazette



of India

PUBLISHED BY AUTHORITY



No. 17]

NEW DELHI, SATURDAY, JUNE 7, 1958/JYAISTHA 17, 1880

## NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 29th May 1958 :—

Issue No.	No. and date	Issued by	Subject
91	S. O. 938, dated the 24th May 1958.	Ministry of Information and Broadcasting.	Certification of film to be of the description specified therein.
92	S. O. 939, dated the 21st May 1958.	Election Commission, India.	Appointment of the member of Election Tribunal constituted for the trial of petition against Shri Chedalal a member of the House of the People.
93	S.O. 1014, dated the 19th May 1958.	Ditto	First appeal No. 129 of 1957.
94	S. O. 1015, dated the 26th May 1958.	Ditto.	D.B. Civil Writ Case No. 131/57.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

## PART II—Section 3—Sub-section (ii)

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administrations of Union Territories).

## MINISTRY OF HOME AFFAIRS

New Delhi, the 28th May 1958

S.O. 1019.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby directs that the following further amendments shall be made in the Schedule to the Central Civil Services (Classification,

Control and Appeal) Rules, 1957, published with the notification of the Government of India in the Ministry of Home Affairs No. S.R.O. 607, dated the 28th February, 1957, namely:—

In Part II of the said Schedule, against "Labour Officers, Class II" in column 1, below "(p) Salt Organisation" and the entries relating thereto in columns 3 and 4, the following entries shall be inserted, namely:—

"(q) Oil and Natural	Member, Oil	(i) to (iii)"
Gas Commission	and Natural	
	Gas Commission.	

[No. F. 7/36/57-Ests(A).]

*New Delhi, the 3rd June 1958*

**S.O. 1020.**—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution and after consultation with the Comptroller and Auditor General in relation to persons serving in the Indian Audit and Accounts Department, the President hereby directs that the following further amendment shall be made in the Central Civil Services (Conduct) Rules, 1955, namely:—

In the said rules after rule 3 the following rule shall be inserted namely:—

"3-A. *Employment of near relatives of Government servants in private firms enjoying Government patronage.*—No Government servant belonging to a Central Civil Service Class I shall, except with the previous sanction of the Government, permit his son, daughter or dependant to accept employment with any private firm with which he has official dealings, or with any other firm having official dealings with the Government:

Provided that where the acceptance of the employment cannot await the the prior permission of the Government or is otherwise considered urgent, the matter shall be reported to the Government; and the employment may be accepted provisionally subject to the permission of the Government."

[No. 25/16/57-Ests(A).]

P. SITARAMAN, Dy. Secy.

*New Delhi, the 29th May 1958*

**S.O. 1021.**—In exercise of the powers conferred by Sub-rule (2) of rule 5 of the Indian Administrative Service (Cadre) Rules, 1954, and after consultation with Governments of Assam and Madhya Pradesh, the Central Government hereby transfer Shrimati P. P. Trivedi, I.A.S., borne on the Indian Administrative Service Cadre of Madhya Pradesh to the said cadre of the State of Assam with immediate effect.

[No. 24/6/58-AIS(II).]

S. P. MUKERJEE, Under Secy.

MINISTRY OF FINANCE  
(Department of Economic Affairs)

New Delhi, the 28th May, 1958

S.O. 1022—Statement of the Affairs of the Reserve Bank of India, as on the 23rd May 1958.

BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital paid up . . . . .	5,00,00,000	Notes . . . . .	26,48,08,000
Reserve Fund . . . . .	80,00,00,000	Rupee Coin . . . . .	10,38,000
National Agricultural Credit (Long-term Operations) Fund . . . . .	20,00,00,000	Subsidiary Coin . . . . .	2,17,000
National Agricultural Credit (Stabilisation) Fund . . . . .	2,00,00,000	Bills Purchased and Discounted :—	
Deposits :—		(a) Internal . . . . .	..
(a) Government		(b) External . . . . .	..
(1) Central Government . . . . .	76,05,82,000	(c) Government Treasury Bills . . . . .	1,80,29,000
(2) Other Governments . . . . .	16,49,32,000	Balances held abroad* . . . . .	38,40,14,000
(b) Banks . . . . .	73,14,03,000	**Loans and Advances to Governments . . . . .	60,83,40,000
(c) Others . . . . .	112,58,89,000	Other Loans and Advances† . . . . .	59,51,82,000
Bills Payable . . . . .	13,72,69,000	Investments . . . . .	241,63,56,000
Other Liabilities . . . . .	43,52,38,000	Other Assets . . . . .	13,73,29,000
TOTAL . . . . .	442,53,13,000	TOTAL . . . . .	442,53,13,000

\*Includes Cash & Short term Securities.

\*\*Includes Temporary Overdrafts to State Governments.

†The item 'Other Loans and Advances' includes Rs. 20,03,00,000/- advanced to scheduled banks against usance bills under Section 17(4) (c) of the Reserve Bank of India Act

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 23rd day of May 1958.

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department . . . . .	26,48,08,000		A. Gold Coin and Bullion :—		
Notes in circulation . . . . .	1598,68,63,000		(a) Held in India . . . . .	117,76,03,000	
Total Notes issued . . . . .		1625,16,71,000	(b) Held outside India . . . . .	..	
			Foreign Securities . . . . .	209,67,56,000	
			TOTAL OF A . . . . .		327,43,59,000
			B. Rupee Coin . . . . .		130,10,84,000
			Government of India Rupee Securities . . . . .		1167,62,28,000
			Internal Bills of Exchange and other commercial paper . . . . .		..
TOTAL LIABILITIES . . . . .		1625,16,71,000	TOTAL ASSETS . . . . .		1625,16,71,000

Dated the 28th day of May, 1958.

K. G. AMBEGAOKAR,  
Dy. Governor.  
[No. F. 3 (2)-F. 1/58.]  
A. BAKSI, Jt. Secy.

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**(Department of Revenue)****INCOME-TAX***New Delhi, the 29th May 1958*

**S.O. 1023.**—In exercise of the powers conferred by sub-section (2) of Section 5 of the Indian Income-tax Act, 1922 (11 of 1922), the Central Government is pleased to appoint Shri A. R. H. Naik to be a Commissioner of Income-tax.

This notification shall be deemed to have taken effect from the 20th May 1958 (afternoon).

[No. 55 (F. No. 55/23/58-IT.)]

B. V. MUNDKUR, Under Secy.

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**(Department of Revenue)****CUSTOMS***New Delhi, the 7th June 1958*

**S.O. 1024.**—In exercise of the powers conferred by section 6 of the Sea Customs Act, 1878 (8 of 1878), and in supersession of Notification No. 183 Customs, dated the 16th November, 1955, the Central Government hereby appoints the under-mentioned officers of the Directorate of Revenue Intelligence to be officers of Customs and to exercise the powers conferred and to perform the duties imposed, by the said Act on such officers:—

1. The Deputy Director (Investigation).
2. Assistant Collectors (Investigation).
3. The Investigating Officer.
4. The Principal Appraiser.
5. Deputy Superintendents (Central Excise).
6. Preventive Officers (Customs).

[No. 184.]

M. A. RANGASWAMY, Dy. Secy.

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**COLLECTORATE OF CENTRAL EXCISE, CALCUTTA****CENTRAL EXCISE***Calcutta, the 28th April 1958*

**S.O. 1025.**—In exercise of the powers conferred on me under Clause (b) of Section 2 of the Indian Oilseeds Committee Act, 1946 (IX of 1946), I hereby authorise all officers not below the rank of Supervisors of Central Excise, to perform within their respective jurisdictions in the States of West Bengal and Orissa, the duties of Collector under the provisions of the said Act and the Rules made thereunder.

This Collectorate Notification dated 17th November, 1946 is rescinded.

[No. 7/1958.]

*Amendment to Notification No. 12/1957, dated the 21st August 1957*

**S.O. 1026.**—Delete item (i) of the above Notification and substitute the following:—

“Manufacturers of Vegetable non-essential oils should maintain the Register of Dips in the form subjoined in all cases of storage of oil in tanks irrespective of whether they maintain their accounts with reference to volume or weight.”

S. C. MATHUR, Collector.

# THE MYSORE CENTRAL EXCISE COLLECTORATE, BANGALORE.

Bangalore the 15th May 1958

**S.O. 1027.**—Under Rule 233 of the Central Excise Rules 1944, I hereby direct that owners of excisable goods deposited in an approved public warehouse or a licenced private warehouse who seek extension of time for retention of their goods in bond beyond the period of three years from the date of first warehousing prescribed in Rule 145 of Central Excise Rules, 1944 or further extension of time for such retention beyond the extended period already granted should submit their applications for such extension or further extension at least two months in advance of the expiry of the prescribed period or the extended period as the case may be failing which their applications will be liable to be rejected.

[No. 9/58.]

**S.O. 1028.**—Under the second proviso to Rules 15 and 16 of Central Excise Rules 1944, as amended by Notification, dated the 11th January 1958 and 8th March, 1958 of the Government of India, Ministry of Finance (Department of Revenue), I hereby notify the areas shown in the appended schedule as sparse growing areas for the purpose of Rules 15 and 16 of the Central Excise Rules 1944. In these areas persons cultivating *Indian Air cured* in the 'Whole-leaf form') and 10 cents areas persons cultivating *Indian Air cured* Tobacco on land measuring not more (if cured otherwise), shall be exempt from the provisions of amended Rule 15, and persons curing upto 80 lbs. in 'whole-leaf form' or upto 30 lbs. in other forms shall be exempt from the provisions of amended Rule 16 of the Central Excise Rules 1944.

*Schedule showing the Revenue Jurisdiction of the areas exempted from the provision of Rule 15 and 16 of the Central Excise Rules, 1944.*

District	Area delimited	Exceptions	Officer to whom declarations are to be rendered in case the prescribed limits are exceeded
1	2	3	4
KOLAR	1. Bangarpet Tq.		Range Officer of Central Excise, Kolar.
	2. Mulbagal Tq.		
	3. Kolar Tq.		
	4. Malur Tq.		
	5. Chintamani Tq.	Chelur Hobli.	Range Officer of Central Excise, Chintamani.
	6. Srinivasapur Tq.		
	7. Siddlaghatta Tq.		
	8. Gudibande Tq.		
	9. Chikballapur Tq.		
	10. Bagepalli Tq.		
	11. Dodinayakanpalya Hobli of Gowribidnur Tq.		Range Officer of Central Excise, Gowribidnur.
TUMKUR	1. Tumkur Tq.	Chelur Hobli.	Range Officer of Central Excise, Tumkur.
	2. Kunigal Tq.		
	3. Turuvekere Tq.		
	4. Tiptur Tq.		
	5. Chiknalkanhalli Tq.		
	6. Gubbi Tq.		
BANGALORE	1. Dodballapur Tq.]		Range Officer of Central Excise, Dodballapur.
	2. Nelamangala Tq.		
	3. Magadi Tq.		

1	2	3	4
	4. Devanahalli Tq. 5. Bangalore South Tq. 6. Bangalore North Tq. except Kengari Hobli. 7. Hoskote Taluk.		} Range Officer of Central Excise, Kadugoli.
	8. Kengeri Hobli of Bangalore North Tq. 9. Chennapatna Tq. 10. Ramanagaram Tq.		
	11. Anekal Tq. 12. Kanakapura Tq.	Uyyamballi Hobli and Harohalli Hobli.	} Range Officer of Central Excise, Kanakapura.
CHITALDRUG	1. Hosdurga Tq.		
	2. Davanagere Tq. 3. Jagalur Tq. 4. Ramgira & Holalkere Hoblies of Holalkere Taluk. 5. Chitaldrug Tq.	Davanagere Hobli Sokke Hobli  Turuvanur Hobli.	} Range Officer M.O.R. Davanagere.
SHIMOGA	1. Chennagiri Tq.	Basavapatna & Santhebennur Hoblies.	
	2. Sasvehalli hobli of Honali Tq.  3. Belgutty hobli of Honali Tq. 4. Sorab Tq. 5. Sagar Tq. 6. Shikaripur Tq. 7. Hosanagar Tq. 8. Thirthahalli Tq. 9. Shimoga Tq. 10. Bhadravathi Tq.	Holehonnur hobli.	} Range Officer of Central Excise, Shimoga.
CHIKMAGALORE	1. Chickmagalore Tq. except Jagra, Khandya, Aldur Avathi hoblies		
	2. Jagra hobli and Avathi of chick- magalur Tq.		} Range Officer M.O.R. Mallandur
	3. Khandya hobli & Aldur hobli of Chikmagalur Tq.		
	4. Koppa Tq. 5. Sringeri Tq. 6. Narasimharajapura Tq.		} Range Officer, M.O.R. Jayapura.
	7. Mudigere Tq. except Balur & Kalasa hoblies.		
	8. Kalasa & Balur hoblies of Mudigere Tq.		} Range Officer, M.O.R. Kalasa.

1	2	3	4
	9. Tarikere Tq.	Ajjampur & Sivane hobbles.	Range Officer of Central Excise, Kadur.
	10. Kadur Tq.	Kadur hobli Hirenallur hobli, Sakre- patna hobli.	Do.
SOUTH CANARA	1. Mangalore Tq.		Range Officer of Central Excise, Mangalore.
	2. Karkal Tq.		Range Officer of Central Excise, Karkal.
	3. Puttur Tq.		} Range Officer of Central Excise, Puthur.
	4. Belthanagadi Tq.		
	5. Udupi Tq.	Kanp firka.	Range Officer of Central Excise, Udupi.
		Kota firka	Range Officer, Central Excise, Coondapur.
	6. Coondapur Tq.	Bijady Village in Coondapur firka. Balindur firka & Wandse firka.	Range Officer, Central Excise, Coondapur.
HASSAN	1. Sakalapur Tq. except yeslur hobli.		} Range Officer, M.O.R. Saklaspur.
	2. Belur Taluk.	Halebid hobli.	
	3. Yeslur hobli of Saklaspur Tq.		} Range Officer M.O.R. Hassan.
	4. Alur Taluk.		
	5. Shantigram, Salgame, & Harsan Hobbles of Hassan Tq.		
	6. Kanakatti & Banavar hobbles of Arisikere Taluk.		
	7. Mallipatna hobli of Arkalgud Tq.		} Range Officer, M.O.R. Holenarsipur.
	8. Bagur & Nuggihalli hobbles of chennaroyapatna Tq.		
COORG]	1. Mercara Tq.		Range Officer of Central Excise, Mercara.
	2. Veerarajendrapet Tq.		Range Officer of Central Excise, Virajpet.
	3. Somvarpet Tq.	Fraserpet hobli.	Range Officer, Central Excise, Somvarpet.
MYSORE	1. Chandekvadi hobli of Chamarajnagar Tq.		} Range Officer, Central Excise, Chamarajnagar.
	2. Yelandur Tq.		
	3. T. Narsipur Tq.	Bannur & T. Narsipur hobbles.	Range Officer of Central Excise, Nanjangud Range.
MANDYA	1. Mandya Tq.		} Range Officer of Central Excise, Mandya Range.
	2. Nagamangala Tq.	Honakere hobli.	
	3. Melkote hobli of pandavapura Tq.		} Range Officer of Central Excise, Pandavapura Range.
	4. Arekere & Settihalli hobbles of Srirangapatna, Tq.		



1	2	3	4
	5 Maddur Tq. 6. Malvalli Tq.		} Range Officer, Central Excise, Maddur Range.
NORTH CANARA	1. Whole of the District except Ankola & Karwar Tqs.  2. Karwar & Ankola Tqs.		Range Officer of Central Excise, Kumta Range.  Range Officer of Central Excise, Karwar Range.
DHARWAR	1. Kalghatgi Tq. 2. Hangal Tq. 3. Navalgunda Tq. 4. Nargund Tq.		Range Officer of Central Excise, Dharwar Range. Range Officer of Central Excise, Haveri Range. Range Officer of Central Excise, Gadag Rural Range. Range Officer of Central Excise, Ron Range.
BELLARY	1. Ittika firka of Hadagalli Tq.  2. Hospet Tq. 3. Tornagallu & Choranur firkas of Sandur Tq.  4. Bellary Tq. 5. Hatcholi & Tekkalakota firkas of Sirguppa Tq.  6. Kudligi Firka of Kudlig Tq.	Bellary firka.	Range Officer of Central Excise, Hadgalli.  } Range Officer of Central Excise, Hospet.  } Range Officer of Central Excise, Sirguppa at Bellary.  } Range Officer of Central Excise, Harpanahalli I.
RAICHUR	1. Manvi Tq. 2. Sidhnoor Tq. 3. Raichur Tq. 4. Gabbur & Devdurg firkas of Devdurg Tq.  5. Arekere & Jalahalli firkas of Devdurg Tq. 6. Lingsugur Tq.  7. Gangavathi Tq. 8. Kushtagi Tq. 9. Hitnal firka of Koppal Tq.  10. Bandi firka of Yelberga Tq.	Belatagi Village. Mukund Village. Kalmalla Firka.      Kushtagi firka.	} Range Officer of Central Excise, Raichur.    } Range Officer of Central Excise, Lingsugur.  } Range Officer of Central Excise, Koppal East.  Range Officer of Central Excise, Koppal West.
GULBARGA	1. Jcwargi Tq. 2. Sulepet firka of chincholi Tq. 3. Mudhole firka of serum Tq. 4. Kolda firka of serum Tq.	Sulepet village.  1. Goparpalli Village. 1. Hulgole 2. Kolgunda Villages.	Range Officer, Central Excise, Chittapur. Range Officer, Central Excise, Chincholi.  } Range Officer Central Excise, Serum.

I	2	3	4
	5. Shahapur Taluk 6. Shorapur Tq. 7. Balichakkar firka of Yadgiri Tq.	Hunsgi firka	} Range Officer, Central Excise, Yadgiri.
BIDAR	1. Bidar Tq. except Nirna firka. 2. Bhalki Tq. 3. Aurad Tq.	Bhalki & Halberga firkas.	} Range Officer of Central Excise, Bidar.
	4. Nirna firka of Bidar Tq. 5. Humnabad Tq.	Chitguppi firka	Range Officer, Central Excise, Humnabad.
BIJAPUR	1. Badami Tq. 2. Bijapur Tq.	Muthageri firka	Range Officer, Central Ex- cise, Badami. Range Officer, Central Excise, Bijapur.
	3. Indi Tq. 4. Sindgi Tq.	Sindgi firka	} Range Officer Central Ex- cise, Sindgi.
	5. Bagalkot Tq.	Bevoor Village	Range Officer, Central Excise, Bagalkot.
	6. Beclagi Tq.	Beclagi Village.	Range Officer, Central Excise, Mudhole.
	7. Bagewadi Tq. 8. Muddebihal Tq.		} Range Officer, Central Excise, Bagewadi.
BELGAUM	1. Khanapur Tq. 2. Ramdurg Tq.		Range Officer, Central Excise, Belgaum. Range Officer Central Excise, Ramdurg.

[No. 10/58.]

D. N. KOHLI, Collector.

**CENTRAL EXCISE COLLECTORATE: ALLAHABAD***Amendment No. 62—58 to notification No. 3—58.**Allahabad the 29th May, 1958*

**S.O. 1029.**—In partial modification of this office Notification No. 3 of 1958, I hereby empower all Central Excise Officers not below the rank of Supervisors and the Sepoys posted to Factories producing manufactured excisable products only, to exercise within their respective jurisdictions the powers under rule 200 of the Central Excise Rules, 1944.

N. L. MEHTA,  
Collector.

**CENTRAL BOARD OF REVENUE****INCOME-TAX***New Delhi, the 29th May 1958*

**S.O. 1030.**—In exercise of the powers conferred by sub-section (2) of Section 5 of the Indian Income-tax Act, 1922 (11 of 1922), and in partial modification of all previous notifications on the subject the Central Board of Revenue hereby directs

that with effect from 20th May 1958 (afternoon) Shri A. R. H. Naik who has been appointed by the Central Government to be a Commissioner of Income-tax, shall perform all the functions of a Commissioner of Income-tax in respect of such areas or of such persons or classes of persons, such incomes or classes of incomes or of such cases or classes of cases as are comprised in the following income-tax Circles at Calcutta namely:—

#### CENTRAL CIRCLES I TO XXVII

Provided that he shall also perform his functions in respect of such persons or such cases as have been or may be assigned by the Central Board of Revenue to any Income-tax authority subordinate to him;

Provided further that he shall not perform his functions in respect of such persons or such cases as have been or may be assigned to any Income-tax authority outside his jurisdiction.

While performing the said functions the said Shri Naik shall be designated as the Commissioner of Income-tax (Central) Calcutta.

#### *Explanatory Note*

NOTE.—The amendments have been necessitated on account of a change in the incumbent of the Commissioner's post.

(This does not form a part of the amendments but is intended to be merely clarificatory).

[No. 56 (F. No. 55/23/58-IT).]

B. V. MUNDKUR, Under Secy.

#### CUSTOMS

*New Delhi, the 7th June 1958*

**S.O. 1081.**—In exercise of the powers conferred by clause (c) of section 9 of the Sea Customs Act, 1878 (8 of 1878), as in force in India and as applied to the State of Pondicherry, the Central Board of Revenue hereby rescinds its notification S.R.O. 2017 published at pages 1273 and 1274 of Part II, Section 3 of the Gazette of India dated the 22nd June, 1957.

[No. 187.]

M. A. RANGASWAMY, Secy.

#### MINISTRY OF COMMERCE & INDUSTRY

*New Delhi, the 7th June, 1958*

**S.O. 1032.**—In exercise of the powers conferred by sub-sections (1) and (2) of section 26 of the Khadi and Village Industries Commission Act, 1956 (61 of 1956), the Central Government hereby makes the following further amendment to the Khadi and Village Industries Commission Rules, 1957 namely:—

For sub-rule (3) of rule 27 of the said rules, the following shall be substituted, namely:—

(3) Grants and subsidies shall be paid only to:—

- (a) a State Government;
- (b) a board established under any law for the time being in force for the development of khadi and village industries;
- (c) a society registered under the Societies Registration Act, 1860 (21 of 1860), or under any other law for the time being in force in any State;
- (d) a co-operative society registered under the Co-operative Societies Act, 1912 (2 of 1912) or under any other law for the time being in force in any State;
- (e) a gram or village panchayat established under any State law for the time being in force;
- (f) an authority set up under any law for the time being in force relating to bhoodan or gramdan;

- (g) a trust created for public purposes of a charitable or religious nature;
- (h) an individual or institution engaged in research in Khadi and village industries, subject to the condition that a grant or subsidy to an individual should not exceed Rs. 5,000 in any one case and to an institution, it should not exceed Rs. 50,000 in any one case.

The ceiling of Rs. 5,000 for an individual and of Rs. 50,000 for an institution may, however, be exceeded with the prior approval of Government.

[No. 5(37)/57-KVE.]

K. S. LUTHRA, Under Secy.

*New Delhi, the 30th May 1958*

**S.O. 1033.**—In exercise of the powers conferred by sub-section 3 of Section 1 of the Standards of Weights and Measures Act 1956 (89 of 1956), the Central Government hereby appoints the 1st day of July, 1958, as the date on which the provisions of the said Act shall come into force in respect of associations recognised by the Central Government under Section 6 of the Forward Markets (Regulation) Act 1952, (74 of 1952), in so far as they undertake the regulation and control of forward contracts in raw and manufactured jute.

[No. 287-S.M.C./57.]

*New Delhi, the 3rd June 1958*

**S.O. 1034.**—Where in the opinion of the Central Government it is expedient so to do;

Now, therefore, in exercise of powers conferred by sub-section (1) of section 12 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952), the Central Government hereby makes the following further amendments in the Bye-laws of the Adoni Groundnutseeds and Oil Merchants Association Ltd. the same having been previously published as required by sub-section (4) of the said section namely:—

In the said Bye-laws:—

**I. In by-law 1—**

- (a) in clause (xviii), the brackets and letter “(a)” occurring in sub-clause (a), and sub-clause (b), shall be omitted;
- (b) for clause (xix), the following clause shall be substituted, namely:—  
“(xix) Hedge Contract means a forward contract as described in bye-laws 45, 46 and 47”.

**II In bye-law 106—**

- (a) the brackets and letter “(a)” shall be inserted at the commencement;
- (b) clause (a) shall be relettered as clause (b), existing clause (b) being omitted.

**III. In bye-law 111 the word “forward” shall be omitted.**

**IV. For bye-law 216 the following bye-law shall be substituted, namely:—**

- “216. (1) The Board may by resolution passed by itself and concurred in by the Forward Markets Commission fix such limits upon daily trading by members, or upon the net open position of members in respect of hedge contracts for any delivery or deliveries as the Board may consider necessary or desirable.
- (2) The Forward Markets Commission may exercise the powers specified in clause (1) above, if, in the opinion of the Commission, it is expedient in the interest of trade or public interest so to do”.

**V. For Bye-law 219, the following bye-law shall be substituted, namely:—**

- “219. (1) The Board shall have power at any time and from time to time to call upon all or any member to submit detailed statement in duplicate, one copy for the use of the Association and the other for the use of the Forward Markets Commission giving information relating to hedge contracts entered into by a member or members in such form and such manner as may be specified.

(2) In particular, and without prejudice to the generality of the foregoing power, such information may relate to the following matters:—

- (i) Contracts entered into by a member with another member either in his own name or through another member on his own account,
- (ii) Contracts entered into by a member on behalf of his clients,
- (iii) Business of non-members appropriated by the member to himself,
- (iv) Contracts entered into by a member on behalf of each individual client.

(3) The Board shall have power for the purpose of verifying or checking any statement submitted by a member under this bye-law, to call for the production of the books of any member or broker and/or call for any explanation from any member. A member failing or neglecting to submit any such statement or to produce any such books or to give any such explanation, shall be liable to be dealt with under the disciplinary bye-laws”.

VI. After bye-law 219, the following bye-law shall be inserted, namely:—

“219A(1). Where the Forward Markets Commission considers it expedient so to do, it may call for periodical information relating to hedge contracts entered into by members in such form and in such manner as may be specified.

(2) In particular, and without prejudice to the generality of the foregoing power, such information may relate to—

- (i) contracts entered into by a member with another member in his own name or through another member on his own account,
- (ii) contracts entered into by a member on behalf of his clients,
- (iii) business of non-members appropriated by the member to himself,
- (iv) contracts entered into by a member on behalf of each individual client”.

VIA. In bye-law 221, for the words “this clause” the word and figure “bye-law 220” shall be substituted.

VII. For bye-law 222, the following bye-law shall be substituted, namely:—

“222(1). If, in the opinion of the Board, an emergency has arisen or exists, the Board may by a resolution passed by a simple majority at a meeting specially convened in this behalf and concurred in by the Forward Markets Commission, prohibit as from such date as the Board may fix;

- (i) Trading in the hedge contract for any delivery or deliveries at a rate or rates above a maximum or below a minimum as may be fixed by the Board under clause (2) below, or
- (ii) all trading in such contracts as are referred to in sub-clause (i) above for a specified period or until further notice as may be determined by the Board by a resolution passed under clause (2) below.

(2) The Board may from time to time by a resolution passed by a simple majority and concurred in by the forward Markets Commission extend or reduce the period during which the prohibition imposed under sub-clause (i) or (ii) of clause (1) above shall be in force. The Board may also by a resolution passed by a simple majority and concurred in by the Forward Markets Commission fix the maximum and minimum rate or rates for the purpose of trading under sub-clause (i) of clause (1) above and may from time to time by a resolution passed by itself and concurred in by the Forward Markets Commission vary the maximum and/or minimum rate or rates so fixed.

(3) The power specified in clauses (1) and (2) above may be exercised by the Forward Markets Commission in any case, where in the opinion of the Commission it is expedient in the interest of the trade or public interest so to do”.

VIII. For bye-law 223, the following bye-law shall be substituted, namely:—

“223. If the Board, at a meeting specially convened in this behalf, resolve that a state of emergency exists or is likely to occur such as shall in the opinion of the Board make free trading in the hedge contract

in any delivery or deliveries, extremely difficult, the Board shall so inform the Forward Markets Commission and upon the Forward Markets Commission intimating to the Board its agreement with such resolution then notwithstanding anything to the contrary contained in these bye-laws or in any forward contract made subject to these bye-laws, the following provisions shall take effect.—

- (a) The Board shall by a resolution passed at a meeting specifically convened in this behalf and concurred in by the Forward Markets Commission—
  - (i) fix a date for the purposes hereinafter contained,
  - (ii) fix settlement rates for hedge contracts,
  - (iii) fix a special settlement day.
- (b) Every hedge contracts for any delivery or deliveries entered into between a member and a member or between a member and a non-member outstanding on the date fixed under clause (a)(i) hereof shall be deemed closed out at the rate appropriate to such contract fixed under clause (a)(ii) hereof.
- (c) All differences arising out of every such contract between members shall be paid through the Association on the settlement day fixed under clause (a)(iii) hereof and the relevant clearing bye-laws shall apply accordingly.
- (d) All differences arising out of every such contract between a member and a non-member shall become immediately due and payable.
- (e) In hedge contracts entered into between a member and a non-member any margin received shall be adjusted and the whole or the balance thereof, as the case may be, shall be immediately refundable”.

IX. After bye-law 233, the following bye-law shall be inserted, namely:—

“223A. If the Forward Markets Commission is of opinion that continuation of trading in hedge contracts for any delivery or deliveries is detrimental to the interest of the trade or the public interest, or to the larger interests of the economy of India, and so notifies the President, then notwithstanding anything to the contrary contained in these Bye-laws or in any hedge contract made subject to these Bye-laws, every hedge contract relating to the delivery or deliveries notified under this Bye-law and entered into between a member and a member or between a member and a non-member then outstanding, shall be deemed closed out at such a rate appropriate to such contract and with effect from such date as shall be fixed by the Forward Markets Commission and the provisions of clause (c) (d) and (e) of Bye-law 223 shall apply as if they formed part of this Bye-law”.

X. In bye-law 224—

- (a) the words, figures and brackets “not less than  $\frac{2}{3}$  (a fraction being counted as an integer) of” shall be omitted,
- (b) for the figures and letters “ $\frac{2}{3}$ rd”, the word “majority” shall be substituted,
- (c) for the words “the preceding bye-law” the words and figures “bye-law 223” shall be substituted,
- (d) the following shall be inserted at the end, namely:—  
“No such resolution, however, shall have any effect unless concurred in by the Forward Markets Commission”.

XI. Bye-law 225 shall be omitted, existing bye-law 224A being renumbered as bye-law 225.

XII. In bye-law 225 as so renumbered—

- (a) the brackets and letter “(a)” shall be inserted at the commencement;
- (b) in clause (b), for the words “in the preceding bye-law”, the words and figures “in bye-law 223” shall be substituted.

XIII. In bye-law 226—

- (a) for the figures and word “232, 233 and 234”, the figures and word “222, 223 and 224” shall be substituted,

(b) to clause (a), the following proviso shall be added, namely:—

“Provided that no such resolution shall become effective unless concurred in by the Forward Markets Commission”

XIV. Byc-law 227 shall be omitted.

[No. 35(4)-TMP/57.]

K. V. VENKATACHALAM, Jt. Secy.

## ORDERS

### EXPORT TRADE CONTROL

*New Delhi, the 29th May 1958*

**S.O. 1035.**—In exercise of the powers conferred by sections 3 and 4A of the Imports and Exports (Control) Act, 1947 (18 of 1947), as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following further amendment in the Exports (Control) Order, 1958, namely:—

In Schedule I to the said Order—

Under the heading “B. RAW MATERIALS AND ARTICLES MAINLY UNMANUFACTURED”, for item 15, the following shall be substituted:—

“15. Coal and coke; charcoal, other than ordinary coconut shell charcoal.”

[No. Export(1)/AM(4).]

*New Delhi the 30th May 1958*

**S.O. 1036.**—In exercise of the powers conferred by sections 3 and 4A of the Imports and Exports (Control) Act, 1947 (18 of 1947), as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following further amendment in the Exports (Control) Order, 1958, namely:—

In Schedule I to the said Order—

Under the heading “B. RAW MATERIALS AND ARTICLES MAINLY UNMANUFACTURED”, for entry (ii) of item 9, the following shall be substituted:—

“(ii) Flax raw excluding flax waste,”

[No. Export (1)/AM(5).]

*New Delhi, the 2nd June 1958*

**S.O. 1037.**—In exercise of the powers conferred by sections 3 and 4A of the Imports and Exports (Control) Act, 1947 (18 of 1947), as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following further amendment in the Exports (Control) Order, 1958, namely:—

In Schedule I to the said Order—

Under the heading “B. RAW MATERIALS AND ARTICLES MAINLY UNMANUFACTURED”, for entry (a) of item 9(iii), the following shall be substituted:—

“(a) Aloe fibre excluding processed aloe fibre, suitable for use as bristle in brush manufacture,”

[No. Export (1)/AM(6).]

T. S. KUNCHITHAPATHAM, Under Secy.

## ORDER

*New Delhi the 30th May 1958*

**S.O. 1038 IDRA/6/12AM(4).**—In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), read with rule 8 of the Development Councils (Procedural) Rules, 1952, the Central

Government hereby appoints Mr. V. Calloway to be a member of the Development Council for the scheduled industries engaged in the manufacture and production of textiles made of wool, including woollen yarn, hosiery, carpets and druggets vice Mr. F. A. Calverley, who has resigned, and makes the following amendment in the order of the Government of India in the Ministry of Commerce and Industry No. S.R.O. 2820, dated the 31st August, 1957, namely:—

In paragraph 1 of the said order under the category of members "being persons who in the opinion of the Central Government have special knowledge of matters relating to the technical or other aspects of the said scheduled industries", for entry No. 5 relating to Mr. F. A. Calverley, the following entry shall be substituted, namely:—

"5. Mr. F. Calloway, British India Corporation Ltd., Kanpur."

[No. 4(43)IA(II)(G)/58.]

S. M. BANERJEE, Under Secy.

### CORRIGENDUM

New Delhi, the 30th May 1958

S.O. 1039.—In the Ministry of Commerce and Industry's Notification No. S.O. 456, dated the 3rd April, 1958, for the words "8th April, 1955," appearing in the third line, the following shall be substituted, namely:—

"8th April, 1958".

[No. 22/4/58/H.S.2.]

P. J. MENON, Under Secy.

### ERRATA

In the Ministry of Commerce and Industry Notification No. 24(23)-TMP/57, dated 2nd April, 1958, Published in the Gazette of India, Part II—Section 3(II) dated 12th April, 1958, as S.O. 488, the following corrections are to be made:—

1. At Pages 312-313, against item 7 in column 8, for "." read "Do."
2. At Pages 314-315, against item 10 in column 7, for the figure "36" read "35".

### (Department of Company Law Administration)

New Delhi, the 31st May 1958

S.O. 1040.—In exercise of the powers conferred by Clause (a) of sub-section (1) of section 448 of the Companies Act, 1956, (1 of 1956), the Central Government hereby appoints, Shri Kamal Kumar Ghosh, the officiating Court Liquidator appointed under Section 30 A(1) of the Banking Companies Act, 1949 and attached to the High Court of Judicature at Calcutta, to be *ex-officio* Official Liquidator, attached to the said High Court vice Shri Monoj Kumar Ganguli granted leave.

[No. PFG(13)-CLA/55.]

P. B. SAHARYA, Under Secy.

### (Deptt. of Commerce and Light Industries)

#### RUBBER CONTROL

New Delhi, the 3rd June 1958

S.O. 1041.—In continuation of the leave sanctioned in this Ministry's notification No. S.O. 702, dated the 25th April, 1958, Sri N. Sankara Menon, I.A.S., Chairman, Rubber Board, Kottayam, has been granted an extension of earned leave for three days from 18th May, 1958 to 20th May, 1958 (inclusive).

Shri Sankara Menon resumed charge as Chairman, Rubber Board on the 21st May, 1958 (forenoon), on the expiry of his leave.

[No. 21(4)Plant(B)/58.]

A. J. MUKARJI, Dy. Secy.



## (Indian Standards Institution)

New Delhi, the 2nd June 1958

**S.O.**—In exercise of the powers conferred by sub-regulations (2) and (3) regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies the issue of errata slips, particulars of which are given in column (4) of the Schedule hereto annexed, in respect of the Indian Standards specified in column (2) of the said Schedule.

## THE SCHEDULE

Serial No.	No. and title of Indian Standard	No. and date of Gazette Notification in which establishment of Indian Standard was notified	Particulars of Errata Slips issued
(1)	(2)	(3)	(4)
	IS : 370-1954 Specification for Reversible Type Two-Pin Plugs and Socket-Outlets Without Earthing Connections ( <i>Tentative</i> ).	S.R.O. 658 dated 26th March 1955	'Moment of inertia (I) in the equation 1 in clause A-3 on page 6 has been corrected to 'Modulus of section (Z)' Consequential changes have been made in equations 2 and 3 in clause A-3 by replacing 'I' by 'Z' and by replacing the words 'The moment of inertia' by the words 'The modulus of section' in equation 3.
2.	IS : 371-1954 Specification for Two-and Three-Terminal Ceiling Roses ( <i>Tentative</i> ).	S.R.O. 774 dated 9th April 1955	(a) The multiplication sign (x) in the equation in line 7 of clause A-1 on page 5 has been corrected to the plus sign (+). (b) 'Moment of inertia (I)' the equation 1 in clause A-3 on page 6 has been corrected to 'Modulus of section (Z)' Consequential changes have been made in equations 2 and 3 in clause A-3 by replacing 'I' by 'Z' and by replacing the words 'The moment of inertia' by the words 'The modulus of section' in equation 3.
3.	IS : 658-1956 Code of Practice for Magnesium Oxychloride Composition Floors ( <i>Tentative</i> ).	S.R.O. 2203 dated 29th September 1956	The words 'need not' in line 2 of clause 6.2 on page 4 have been corrected to 'should'.
4.	IS : 1087-1957 Specification for Single Pole 5-Ampere Tumbler Switches for AC/DC.	S.R.O. 211 dated 18th January 1958	(a) '90° F' in line 8 of clause 5.8.3 on page 5 has been corrected to '120° F'. (b) 'Moment of inertia (I)' in the equation 1 in clause A-3 on page 6 has been corrected to 'Modulus of section (Z)' Consequential changes have been made in equations 2 and 3 in clause A-3 by replacing 'I' by 'Z' and by replacing the words 'The moment of inertia' by the words 'The modulus of section' in equation 3.

Copies of these errata slips are available free of cost with the Indian Standards Institution 'Manak Bhavan', 9 Mathura Road, New Delhi-1 and also at its branch offices at (i) 40/40A Cawsji Patel Street, Fort, Bombay-1, (ii) P-11 Mission Row Extension, Calcutta-1 and (iii) 2/21, First Line Beach, Madras-1.

No. MDC/11(10).  
LAL C. VERMAN  
Director

**MINISTRY OF FOOD & AGRICULTURE****(Department of Agriculture)****(Indian Council of Agricultural Research)***New Delhi-2, the 7th May 1958*

**S.O. 1043.**—In exercise of the powers conferred by section 17 of the Indian Oilseeds Committee Act, 1946 (9 of 1946), the Central Government hereby makes the following further amendments, with effect on and from the 1st September, 1957, in the Indian Central Oilseeds Committee Provident Fund Rules, 1949, the same having been previously published as required by sub-section (1) of the said section, namely:—

In the said rules,—

(1) for clause (b) of rule 9(1), the following clause shall be substituted, namely:—

“(b) It may be any sum, so expressed, not less than 8 1/3 per cent of his emoluments.”;

(2) in sub-rules (2) and (4) of rule 11, for the figures and letters “7/16th”, the figures and words “8 1/3 per cent” shall be substituted.

[No. 5-12/58-Com.I/ICOC R (PF) -Am.1/58.]

*New Delhi-2, the 8th May 1958*

**S.O. 1044.**—The following draft of a certain further amendment to the Indian Lac Cess Rules, which the Central Government proposes to make in exercise of the powers conferred by section 8 of the Indian Lac Cess Act, 1930 (24 of 1930) is published as required by sub-section (1) of the said section for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 10th June, 1958.

Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

*Draft Amendment*

For rule 20 of the said rules, the following rule shall be substituted, namely:—  
“20. *Custody and Disbursement of Funds.*”

1. The Committee's money shall be kept within Government account in a banking or a non-banking Treasury of Government and the current balances shall neither be kept outside Government balances, nor the surplus balances invested elsewhere. A 'Personal Deposit Account' of the Committee shall be opened within the Government Account and all moneys at the disposal of the Committee with the exception of the petty cash shall be paid in that account.
2. The moneys already placed in fixed deposits or invested in Government securities and the like shall be paid in the 'Personal Deposit Account' as and when these investments mature, and no fresh investments shall hereafter be made.
3. Payment by or on behalf of the Committee shall be made in cash or by cheque against the 'Personal Deposit Account' of the Committee. The cheques and all orders for the withdrawal of the deposits or investments shall be signed by the Secretary and President, but the Secretary of the Committee may draw cheques to the extent of Rs. 70,000 each month to meet the expenditure pertaining to administration and bills relating to supply and services.

[No. 3-121/55-Com.I.]

MOKAND LALL, Under Secy.

**MINISTRY OF TRANSPORT AND COMMUNICATIONS***New Delhi, the 29th May 1958*

**S.O. 1045.**—In pursuance of sub-rule (5) of rule 430 of the Indian Telegraph Rules, 1951, the Central Government hereby specifies the 16th day of June 1958

as the date on which message rate system will be introduced at Ludhiana Telephone Exchange.

[No. 11-6/58-PHC.]

H. C. SHARMA, Under Secy.

(Department of Communications)  
(P. & T.)

New Delhi, the 31st May 1958

**S.O. 1046.**—In exercise of the powers conferred by sub-section (2) of section 16 of the Indian Post Office Act, 1898 (6 of 1898), the Central Government hereby makes the following further amendment to the Indian Post Office Rules, 1933, namely:—

In item (W1) of rule 183 of the said rules, for the words "and Kerala", the words, "Kerala, Punjab, Bombay and Bihar" shall be substituted.

[No. 24/9/58-CI.]

K. K. SARAN, Dy. Secy.

**MINISTRY OF IRRIGATION & POWER**

New Delhi, the 29th May 1958

**S.O. 1047.**—In exercise of the powers conferred by sub-rule (3) of Rule 45 of the Indian Electricity Rules, 1956, the Central Government hereby appoints the 1st January, 1959 as the date on which the provisions of sub-rule (1) of the said Rule shall come into force in the State of Pondicherry.

[No. EL-III-360(1)/II.]

N. S. VASANT,  
Officer on Spl. Duty.

**MINISTRY OF REHABILITATION**

New Delhi, the 28th May, 1958

**S.O. 1048.**—Whereas the Central Government is of opinion that it is necessary to acquire the evacuee properties specified in the Schedule hereto annexed in the State of Bombay for a public purpose, being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons;

Now, therefore, in exercise of the powers conferred by section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), it is notified that the Central Government has decided to acquire and hereby acquires, the evacuee properties specified in the said Schedule.

THE SCHEDULE

*List of Evacuee Properties to be notified as Acquired under Section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954*

Serial Number	Description of the property	Exact Locality	Name of Evacuee
<b>BOMBAY STATE</b>			
<i>(District Ahmednagar)</i>			
1	Municipal House Number 3856 Cadestral Survey Number 3754 Residential, Ahmednagar.	In front of City Police Line Number 10 in Ahmednagar City.	Shafioddin Sharfoddin.
2	Cadestral Survey Number 1369 Residential Shirampur.	Ward Number 4, Shirampur, Ahmednagar.	Diwan Suleman Ali Mohamad.
3	Cadestral Survey Number 110 Residential Shirampur.	Kasba Road, Sangamner, Taluka Sangamner, Ahmednagar.	Sayed Umer Sayed Kamal.

Serial Number	Description of the property	Exact Locality	Name of Evacuee
(District Surat)			
	One Room on the western side of first floor and one room on the western side of the top floor of House known as ' Bilal House ' House Number 3/867.	Bilal Gali, Navapura, Surat	Shri Ibrahim Mahmada! Bakri of Surat.
5	House Number 7/1018	Ghanchi Sheri Surat	Shri Usmanbhai Valibhai of Sodagarwad, Surat.
6	House Number 3/104	Variuvi Oli Rander, Taluka Choras!, Surat.	Bai Rahimabibi daughter of Ahmed Yakub Dudha.

[No. 1 (1216)/58—Comp—III/Prop. (i).]

S.O. 1049.—Whereas the Central Government is of opinion that it is necessary to acquire the evacuee properties specified in the Schedule hereto annexed in the State of Mysore for a public purpose, being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons;

Now, therefore, in exercise of the powers conferred by section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), it is notified that the Central Government has decided to acquire and hereby acquires, the evacuee properties specified in the said Schedule.

## SCHEDULE

*List of Evacuee Properties to be notified as Acquired under Section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954.*

Serial Number	Description of the property	Exact Locality	Name of the Evacuee
MYSORE STATE			
(District Bellary)			
1	Bungalow Number 354/XXV	Cantonment, Bellary	Shri U Hasim Sait.
2	D. Number 71 & 72/XXV Roofless buildings.	Fort, Bellary.	Shrimati Khairunnisa Begum.
3	D. Number 73 to 90/XXV (Municipal Muslim High School).	Fort, Bellary.	Shrimati Khairunnisa Begum.

[No. 1 (1216)/58—Comp. —III/Prop. (ii).]

S.O. 1050.—Whereas the Central Government is of opinion that it is necessary to acquire the evacuee properties specified in the Schedule hereto annexed in the State of Andhra Pradesh for a public purpose, being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons;

Now, therefore, in exercise of the powers conferred by section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), it is notified that the Central Government has decided to acquire and hereby acquires, the evacuee properties specified in the said Schedule.

## SCHEDULE

Serial Number	Description of the property	Exact Locality	Name of the Evacuee
ANDHRA PRADESH STATE			
<i>(District Hyderabad)</i>			
1	House Number D-2-914	Situated at Chaknawadi Hyderabad.	Syed Azizullah Shariff son of late Abdul Gafoor.
2	House Number 238 (old) Is-12-486 (New).	Situated at Chanchalguda, Hyderabad.	Arif Khan.
3	Plot of land measuring 1785 Sq. Yds.	Situated at behind House Number A-3-508 and 509 at Asignagar, Hyderabad.	Syed Mohamad Nasiruddin son of Ahmed Mohiuddin.
4	House Number A-3-762	Situated at Amberpet, Hyderabad.	Mohamad Ruknuddin Hasan son of Mohamad Shabbuddin.
5	House No.216(Old)/22-1-923 (New).	Situated at Sultanpura, Hyderabad.	Mahmooda Begum.
6	House Number IV-c-1-463 & 464.	Situated at Rikab Gunj, Hyderabad.	Nasseruddin Ahmed son of Mohammad Hafiz Ghulam Mustafa.
7	House Number B-4-465 & B-4-466.	Situated at Gulbagh, Hyderabad.	Shri Gulam Mahomed Sultan Mohiuddin and Mahmood Mohiuddin sons of late Gulam Mohiuddin.
8	Land situated behind the house of Ahsan Yar Jung at Banjara Hills.	Hyderabad.	Nawab Ahsan Yar Jung.
9	House Number IIc-5-457 to 459.	On the Cement Road, Shah-Ali Banda, Hyderabad.	Shrimati Mazharunnisa Begum wife of late Shamshad Ali.
<i>(District Secunderabad)</i>			
10	House Number 8-2-130, 131, 132 and 133.	Situated at Second Bazar, Secunderabad.	Shrimati Mahboob Begum and Sugra Begum daughters of late Dr. Abdul Karim.
11	House Number 8-2-300 (New), 4971 (Old).	Situated at Second Bazar, Secunderabad.	Shrimati Mahboob Begum & Sugra Begum daughters of late Dr. Abdul Karim.
12	House Numbers 8-2-301 (New), 4972 (Old).	Situated at Second Bazar, Secunderabad	Shrimati Mahboob Begum and Sugra Begum daughters of late Dr. Abdul Karim.
13	House Number 6392 (old)	Situated at Second Bazar, Secunderabad.	Shrimati Mahmoob Begum and Sugra Begum daughters of late Dr. Abdul Karim.
14	1/3rd portion on the northern side of the house bearing Number 5-1-99 (New).	Situated at Bolaram, Secunderabad.	Shri Mahmood Khan and Shri Abdul Aziz Khan sons of late Ghulam Mohiuddin.
ANDHRA PRADESH STATE			
<i>(District Nizamabad)</i>			
15	3/418 3/419	Line Galli, Nizamabad Line Gali, Nizamabad.	Shri Abdul Hamid Khan.
<i>District Karimnagar</i>			
16	House (1-4-75)	Near to the Hanman Temple road, Karimnagar.	Sardar Muqaribd Ahmed Khan.
17	House (5-3-1)	Badi Majid, Pedapalli, Karimnagar.	Muniruddin.

Serial Number	Description of the property	Exact Locality	Name of the Evacuee
18	House (2-6-71)	Main Road to tank Karimnagar.	Abdullah Khan, Ahmed Khan, etc. Vahid
19	House (2-6-70)	Main Road to tank Karimnagar.	Abdullah Khan, Ahmed Khan, etc. Vahid
20	House (4-1-75)	Main Road near the clock Tower, Karimnagar.	Abdullah Khan, Ahmed Khan, etc. Vahid
21	House (4-1-89)	Main Road near the clock Tower, Karimnagar	Abdullah Khan, Ahmed Khan, etc. Vahid
22	House (4-1-90)	Main Road near the clock Tower, Karimnagar	Abdullah Khan, Ahmed Khan, etc. Vahid
23	Plots (25 & 26)	Jammikunta, Karimnagar	Abdul Rahman & Mahmood Salar.

[No. 1 (1216)/58/ Comp-III/Prop. (iii).]

I. N. CHIB,  
Deputy Chief Settlement Commissioner and  
Ex-Officio Deputy Secretary.

### DELHI DEVELOPMENT AUTHORITY

*New Delhi, the 11th April 1958*

**S.O. 1051.**—In pursuance of Section 52 of the Delhi Development Act (61 of 1957) the Delhi Development Authority hereby delegates its power to the Engineer-Member of the Authority to institute, defend, or withdraw from suits and legal proceedings instituted by or against the Authority or its predecessors; to admit, compromise or withdraw any claim made against or by the Authority; and to engage counsel for or on behalf of the Authority.

Provided that in regard to payment of fees to counsel, the restriction imposed in the Authority's Resolution No. 9 dated 27th February 1958 would be applicable.

[No. F. 1(3)/58-Admn.]

J. D. SHARMA, Executive Officer.

### MINISTRY OF LABOUR AND EMPLOYMENT

*New Delhi, the 30th May 1958*

**S.O. 1052.**—The following draft of the Coal Mines Pithead Bath Rules, 1958, which the Central Government proposes to make in exercise of the powers conferred by clauses (e), (f) and (w) of section 58 of the Mines Act, 1952 (35 of 1952), is published as required by sub-section (1) of section 59 of the said Act for the information of persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 15th August, 1958.

Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

#### DRAFT RULES

**1. Short title and extent.**—(1) These rules may be called the Coal Mines Pithead Bath Rules, 1958.

(2) They extend to the whole of India except the State of Jammu and Kashmir.

**2. Definitions.**—(a) (i) "Category 'A' mine" means a coal mine, the average monthly output of which exceeds 600 tons but does not exceed 2,500 tons;

(ii) "Category 'B' mine" means a coal mine, the average monthly output of which exceeds 2,500 tons but does not exceed 10,000 tons;

(iii) "Category 'C' mine" means a coal mine, the average monthly output of which exceeds 10,000 tons but does not exceed 20,000 tons;

(iv) "Category 'D' mine" means a coal mine, the average monthly output of which exceeds 20,000 tons;

*Explanation.*—The average monthly output of a mine shall be calculated on the basis of the figures of coal raisings for the previous calendar year.

(b) "competent authority" means the Coal Mines Welfare Commissioner or any other officer appointed by the Central Government to be the competent authority;

(c) "pithead bath" means a bathing place at or near a pithead for the use of miners equipped with shower baths, locker rooms and ancillary facilities, such as latrines, urinals, and attendants' rooms.

**3. Provision of Pithead baths.**—(1) The owner, agent or manager of every coal mine falling under any of the categories referred to in clause (a) of Rule 2, shall, within such period as may be specified by the competent authority, construct on a suitable site selected by him with the previous approval of the competent authority a pithead bath in accordance with plans prepared in conformity with these rules and approved by the competent authority: provided that—

(i) the competent authority may, in exceptional cases, with the concurrence of the Central Government, grant exemption from this requirement to mines the resources of which are not sufficient to enable them to make provision for adequate supply of water for pithead baths;

(ii) the competent authority may grant exemption in respect of any mine, on production of a certificate from the Chief Inspector of Mines that its productive capacity will be exhausted within the next three years, subject to such conditions as may be specified regarding the provision of alternative bathing facilities of a temporary character;

(iii) in a mine with more than one opening, the owner, agent or manager may instal more pithead baths than one, provided that the total number of shower baths installed and of latrines provided shall not be less than that prescribed in sub-rule (2) and in rule 9;

(iv) if the competent authority is satisfied that no inconvenience will be caused to the miners concerned if a single pithead bath is provided to serve neighbouring mines of category 'A' or 'B', he may authorise the owners of such mines to provide a single pithead bath to serve such mines, which together shall, for the purpose of sub-rule (2), be deemed to be a single mine with an average monthly output equal to the combined average monthly output of the individual mines.

(2) Every pithead bath shall be provided with shower baths on the following scale:—

Category 'A' mine: 10 for men and 4 for women.

Category 'B' mine: 20 for men and 8 for women.

Category 'C' mine: 24 for men and 10 for women.

Category 'D' mine: 40 for men and 16 for women.

**4. Standards of construction for pithead baths.**—Every pithead bath shall conform to the following standards of construction:—

(i) It shall be a well-designed and substantially constructed building with separate bath cubicles and ancillary facilities for men and women, so laid out as to provide proper segregation of the sexes.

(ii) It shall be built in brick-in-cement mortar with a roof of cement concrete or corrugated asbestos cement sheets or tiles provided that the competent authority may authorise any other form of its construction.

(iii) The floors and any interior surfaces of the walls which are liable to become wet shall be cement plastered with special finish, or tiled or finished in any other manner approved by the competent authority so as to provide an impervious and clean surface, provided that the walls need be so treated only up to a height of six feet from floor level.

- (iv) Each bath cubicle shall be designed for the use of one person at a time, shall have a floor area of not less than twelve square feet and shall contain a shower bath with proper fittings for turning the water on and off:

Provided that in the case of pithead bath which was in existence prior to the 23rd July, 1946, the competent authority may permit the continued use of bath cubicles for the use of more than one person if the floor area provided in respect of each shower bath is not less than twelve square feet.

**5. Water for pithead baths.**—(1) Water shall be provided at a pressure equivalent to a head of not less than ten feet at the shower.

(2) When pit water is used, it shall be treated in the manner prescribed by the competent authority before use.

(3) Proper arrangements shall be made to the satisfaction of the competent authority for the drainage or disposal of used bath water.

**6. Lighting.**—Every pithead bath shall remain open at all times day and night and provision shall be made for lighting in the manner prescribed by the competent authority.

**7. Attendants.**—(1) At every pithead bath the owner, agent or manager shall appoint a male attendant and a female attendant to supervise the pithead baths intended for men and women separately.

(2) Separate rooms shall be provided close to the bathing cubicles for the use of male and female attendants.

**8. Locker rooms.**—(1) Separate locker rooms for clean and pit clothes shall be provided at each pithead bath with the prescribed type of locker installed for the use of each man and woman entitled to use the bath:

Provided that until such time as the competent authority so directs in writing, combined locker and waiting rooms of adequate size may be provided for men and women in lieu of separate locker rooms for clean and pit clothes.

(2) The owner, agent or manager of the mine shall be responsible for the adequate maintenance of locker rooms and shall provide suitable washing arrangements for pit clothes.

(3) Each miner to whom a locker is allotted shall provide his own padlock and key therefor.

(4) The locker room shall be maintained at all times in a clean and sanitary condition.

**9. Sanitary facilities.**—(1) Every pithead bath shall be provided with sanitary latrines on the following scale:—

Category 'A' mine: 4 for men and 2 for women.

Category 'B' mine: 6 for men and 3 for women.

Category 'C' mine: 8 for men and 4 for women.

Category 'D' mine: 14 for men and 5 for women.

(2) Every pithead bath shall be provided with urinals on the scale of one for every fifty persons employed in the mine.

**10. Cleanliness.**—All bath cubicles locker rooms, latrines and urinals shall be maintained at all time in a clean and sanitary condition.

**11. Supply of Soap and Oil.**—The owner, agent or manager of the mine shall make arrangements for the sale, at or near each pithead, of soap and mustard oil at a price not exceeding price paid by him.

**12. Alternative bathing facilities.**—The owner, agent or manager of every coal mine not falling under any of categories referred to in clause (a) of Rule 2 shall provide such bathing and washing facilities as may be prescribed by the competent authority.

**13. Authority empowered to inspect.**—The competent authority shall be responsible for the inspection of the pithead baths and for ensuring that the provisions of these rules are complied with.



14. **Repeal.**—The Coal Mines Pithead Bath Rules, 1946, are hereby repealed:

Provided that anything done, or any action taken under any of the said Rules shall be deemed to have been done or taken under the corresponding provision of these Rules.

[No. M-II-25(8)57.]

S. RANGASWAMI, Under Secy.

*New Delhi, the 31st May 1958*

**S.O. 1053.**—In pursuance of clause (b) of sub-paragraph (1) of paragraph 3 of the Employees' Provident Funds Scheme, 1952, the Central Government hereby nominates Shri A. V. Venkateswaran, Joint Secretary to the Government of India in the Ministry of Finance, to be a member of the Board of Trustees (Central Board) constituted under the said Scheme in the vacancy caused by the resignation of Shri D. S. Nakra and makes the following further amendment in the notification of the Government of India in Ministry of Labour No. S.R.O. 1861, dated 31st October, 1952, namely:—

In the said notification, for the entry "4. Shri D. S. Nakra, Joint Secretary to the Government of India, Ministry of Finance, New Delhi", the following entry shall be substituted, namely:—

"4. Shri A. V. Venkateswaran, Joint Secretary to the Government of India, Ministry of Finance, New Delhi."

[No. P.F.II-1(3)58.]

**S.O. 1054.**—In pursuance of clause (b) of sub-paragraph (1) of paragraph 3 of the Employees' Provident Funds Scheme, 1952, the Central Government hereby nominates Shri K. C. Madappa, I.A.S., Deputy Secretary to the Government of India in the Ministry of Commerce and Industry, to be a member of the Board of Trustees (Central Board) constituted under the said Scheme in the vacancy caused by the resignation of Shri B. N. Swaroop and makes the following further amendment in the notification of the Government of India in the Ministry of Labour No. S.R.O. 1861, dated the 31st October, 1952, namely:—

In the said notification, for the entry "3. Shri B. N. Swaroop, Deputy Secretary to the Government of India, Ministry of Commerce and Industry, New Delhi", the following entry shall be substituted, namely:—

"3. Shri K. C. Madappa, I.A.S., Deputy Secretary to the Government of India, Ministry of Commerce and Industry, New Delhi".

[No. P.F.II-1(3)/58.]

**S.O. 1055.**—In pursuance of clause (a) of sub-paragraph (1) of paragraph 3 of the Employees' Provident Funds Scheme, 1952, the Central Government hereby nominates Shri K. N. Subramanian, I.C.S., Joint Secretary to the Government of India in the Ministry of Labour and Employment, as the Chairman of the Board of Trustees (Central Board) and makes the following further amendment in the notification of the Government of India in the Ministry of Labour No. S.R.O. 1861, dated the 31st October, 1952, namely:—

In the said notification, for entry No. 1, the following entry shall be substituted, namely:—

"1. Shri K. N. Subramanian, I.C.S., Joint Secretary to the Government of India, Ministry of Labour and Employment, New Delhi—Chairman".

[No. P.F.II-1(3)/58.]

*New Delhi, the 2nd June 1958*

**S.O. 1056.**—The following draft of a Scheme for the port of Cochin, which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948) is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 5th August, 1958.

2. Any objection or suggestion which may be received from any person with respect to the said draft before the date specified above will be considered by the Central Government.

*The Draft Scheme*

THE COCHIN DOCK WORKERS (REGULATION OF EMPLOYMENT) SCHEME, 1958

1. *Name of the Scheme.*—The Scheme may be called the Cochin Dock Workers (Regulation of Employment) Scheme, 1958 (hereinafter referred to as "the Scheme").

2. *Objects and application.*—(1) The objects of the Scheme are to ensure greater regularity of employment for dock workers and to secure that an adequate number of dock workers is available for the efficient performance of dock work.

(2) The Scheme relates to the Port of Cochin and applies to the classes or descriptions of dock work and dock workers set out in Schedule I:

Provided that the Scheme shall not apply to any dock worker unless he is employed or registered for employment as a dock worker.

(3) The Scheme shall apply to registered dock workers and registered employers.

3. *Interpretations.*—In this Scheme, unless there is anything repugnant in the subject or context—

- (a) "the Act" means the Dock Workers (Regulation of Employment) Act, 1948 (IX of 1948);
- (b) "Administrative Body" means the Administrative Body appointed under clause 5;
- (c) "Board" means the Cochin Dock Labour Board constituted under clause 4;
- (d) "Chairman" means the Chairman of the Dock Labour Board;
- (e) "Executive Officer" means the Executive officer appointed by the Dock Labour Board under clause 6;
- (f) "daily worker" means a registered dock worker who is not a monthly worker;
- (g) "dock employer" means the person by whom a dock worker is employed or is to be employed and includes a group of dock employers formed under clause 15(1) (e);
- (h) "dock work" means operations at places or premises to which the Scheme relates, ordinarily performed by dock workers of the classes or descriptions to which the Scheme applies;
- (i) "employers' register" means the register of dock employers maintained under the Scheme;
- (j) "Labour Officer" means the Labour Officer appointed by the Administrative Body under clause 12;
- (k) "monthly worker" means a registered dock worker who is engaged by a registered employer or a group of such employers on monthly basis under a contract which requires for its termination at least one month's notice on either side;
- (l) "Personnel Officer" means the Personnel Officer appointed by the Board under clause 6;
- (m) "register or record" means the register or record of dock workers maintained under the Scheme;
- (n) "register dock worker" means a dock worker whose name is for the time being entered in the register or record;
- (o) "registered employer" means a dock employer whose name is for the time being entered in the employers' register;
- (p) "reserve pool" means a pool of registered dock workers who are available for work, and who are not for the time being in the employment of a registered employer or a group of dock employers as monthly workers;
- (q) "vessel" means an ocean going vessel or ship whose gross registered tonnage is not less than 350 tons;

(r) "week" means the period commencing from mid-night of Saturday and ending on the mid-night of the next succeeding Saturday.

4. *Cochin Dock Labour Board.—Constitution of.*—(1) The Central Government shall, by notification in the Official Gazette, constitute a Board to be called the "Cochin Dock Labour Board" which shall subject to the provisions hereinafter contained, be responsible for the administration of the Scheme.

(2) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall by the said name sue and be sued.

(3) The Board shall consist of not less than 12 members to be appointed by the Central Government and shall include an equal number of members representing—

- (i) the Central Government.
- (ii) the dock workers, and
- (iii) the employers of dock workers and shipping companies.

(4) The Chairman of the Board shall be nominated by the Central Government from among the members representing the Government and the Vice-Chairman, of the Board shall be elected by the members of the Board from among themselves.

(5) The persons representing respectively the dock workers and the employers shall be appointed after consulting such Associations of persons as appear to the Central Government to be representative of such workers and such employers.

(6) There shall be paid to the non-official members of the Board such salaries, fees and allowances as may, subject to the approval of the Central Government be determined by the Board, from time to time.

(7) (a) A member other than a member representing the Central Government shall hold office for a period of three years from the date of the notification appointing him as a member and shall be eligible for re-appointment:

Provided that an outgoing member shall continue in office until the appointment of his successor is notified in the Official Gazette:

Provided further that a member appointed to fill a casual vacancy shall hold office for the unexpired portion of the term of the person in whose place he is appointed.

(b) A member representing the Central Government may be appointed either by name or by virtue of his office. Every such member shall hold office during the pleasure of the Central Government.

(c) A member other than a member representing the Central Government may resign his office by letter under his hand addressed to the Chairman.

(d) If a member proposes to proceed out of India, he shall, before doing so intimate to the Chairman, the proposed date of his departure from and of his return to, India and, if he intends to be absent from India for a period exceeding six months, he shall tender his resignation.

(f) A member shall be deemed to have vacated his office:—

- (i) if he proceeds out of India without complying with the provisions of the sub-clause (d); or
- (ii) if he becomes insolvent; or
- (iii) if he is convicted of an offence which, in the opinion of the Central Government involves moral turpitude; or
- (iv) if he is absent from three consecutive ordinary meetings of the Board without leave of absence from the Chairman; or
- (v) if, in the opinion of the Central Government, a member who was appointed to represent dock workers or employers of dock workers and shipping companies ceases to be representative of dock workers or their employers or the shipping companies, as the case may be; or
- (vi) If, in the opinion of the Central Government it is for any other reason not desirable that he should continue to be a member;

Every vacancy under this sub-clause shall be notified in the Official Gazette.

(g) If, on a report from the Chairman and after such enquiry as it may deem necessary, the Central Government is of opinion that a body or association which is represented on the Board has acted or is acting in a manner prejudicial to

the working of the Scheme or to the attainment of its objective, it may by order suspend the representation of that body or association until such time or for such period as may be specified in such order.

(8) The quorum for and the procedure at meetings of the Board shall be such as the Board may from time to time determine.

(9) If any question arises for the decision of the Board, it shall be decided by vote of the majority of the members present and voting and in case of equality of votes, the Chairman shall have a second or a casting vote.

(10) The Chairman may invite any person to be present at any meeting and to participate in the discussion but such person shall not be entitled to vote.

5. *Administrative Body*.—(1) The Central Government, may by notification in the Official Gazette, appoint the Cochin Stevedore Association or any other authority to be the Administrative Body for the purpose of carrying on the day-to-day administration of the Scheme.

(2) The Administrative Body shall, subject to the supervision and control of the Board and the Chairman and subject to the provisions of clause 45 carry on the day-to-day administration of the Scheme.

(3) The Central Government may, for sufficient cause remove any Administrative Body appointed under sub-clause (1):

Provided that the Administrative Body shall not be removed unless it has been given a reasonable opportunity of being heard.

6. *Executive Officer and Personnel Officer*.—The Board may appoint an Executive Officer, a Personnel Officer and such other officers and servants, and pay them such salaries and allowances and prescribe such terms and conditions of service as it deems fit:

Provided that no post the maximum salary of which exclusive of allowances is not less than rupees five hundred per mensem shall be created, and no appointment to such post shall be made, by the Board except with the previous approval of the Central Government:

Provided further that the sanction of the Central Government shall not be necessary to any appointment in a leave vacancy of a duration of not more than one month.

7. *Functions of the Board*.—(1) The Board may take such measures as it may consider desirable for furthering the objectives of the Scheme set out in clause 2, including measures for:

- (a) ensuring the adequate supply and the full and proper utilisation of the dock labour for the purpose of facilitating the rapid and economic turnaround of vessels and the speedy transit of goods through the Port;
- (b) regulating the recruitment and entry into and the discharge from the Scheme of dock workers and the allocation of registered dock workers in the reserve pool to registered employers;
- (c) determining and keeping under review, in consultation with the Administrative Body, the number of registered employers and registered dock workers from time to time on the registers or records and the increase or reduction to be made in the numbers in any such register or record;
- (d) keeping, adjusting and maintaining the employers' registers, entering or re-entering therein the name of any dock employer and, where circumstances so require, removing from the register the name of any registered employer either at his own request or in accordance with the provisions of the Scheme;
- (e) keeping, adjusting and maintaining from time to time such registers or records, as may be necessary, of dock workers, including any registers or records of dock workers who are temporarily not available for dock work and whose absence has been approved by the Administrative Body and, where circumstances so require, removing from any register or record the name of any registered dock workers either at his own request or in accordance with the provisions of the Scheme;

- (f) the grouping or regrouping of all registered dock workers into such groups as may be determined by the Board after consultation with the Administrative Body and thereafter reviewing the grouping of any registered dock worker on the application of the Administrative Body or of the registered dock worker;
  - (g) making provision for the training and welfare of registered dock workers including medical services in so far as such provision does not exist apart from the Scheme;
  - (h) levying and recovering from registered employers, contributions in respect of the expenses of the Scheme;
  - (i) making provision for health and safety measures in places where dock workers are employed in so far as such provision does not exist apart from the Scheme;
  - (j) maintaining and administering the Dock Workers Welfare Fund and recovering from all registered employers contribution towards the Fund in accordance with the rules of the Fund framed under clause 54;
  - (k) maintaining and administering a Provident Fund and a Gratuity Fund for registered dock workers in the Reserve Pool;
  - (l) borrowing or raising money and issuing debentures or other securities and, for the purpose of securing any debt or obligation, mortgaging or charging all or any part of the property of the Board.
- (2) The income and property of the Board from whatever source derived shall be applied solely towards the objects of the Scheme including health safety, training and welfare measures for dock workers and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus, or otherwise by way of benefit to the members of the Board, provided that nothing herein shall prevent the payment of reasonable and proper remuneration and expenses to any officer or servant of the Board or to any member of the Board in return for any services actually rendered to the Board, not prevent the payment of interest at a reasonable rate on money lent or reasonable and proper rent for premises demised or let, by any member to the Board.
- (3) The Board shall cause proper accounts to be kept of the cost of operating the Scheme and of all receipts and expenses under the Scheme.
- (4) The Board shall submit to the Central Government an annual report on the working of the Scheme, an audited balance sheet and copies of proceedings of the meetings of the Board.
8. *Responsibilities and duties of the Board in meeting.*—The Board in meeting shall be responsible for dealing with all matters of policy and in particular may—
- (a) fix the number of workers to be registered under various categories;
  - (b) increase or decrease the number of workers in any category on the register from time to time as may be necessary after a periodical review of the registers and anticipated requirements;
  - (c) sanction the temporary registration of a specified number of workers in any category for a specified period;
  - (d) consider registration of new employers on the recommendation of the Chairman;
  - (e) prescribe forms, records, registers, statements and the like required to be maintained under the Scheme;
  - (f) determine the wages, allowances and other conditions of service, and re-fix the guaranteed minimum wages in a month after annual review;
  - (g) fix the rate of levy under clause 52(1);
  - (h) fix the rate of contribution to be made by registered employers to the Dock Workers Welfare Fund;
  - (i) appoint, abolish or reconstitute Committees under clause 36;
  - (j) sanction the Annual Budget;
  - (k) appoint the Executive Officer and the Personnel Officer;
  - (l) subject to the provisions of clause 6, sanction the creation of posts the maximum salary of which exclusive of allowances is not less than Rs. 300 per mensem and make appointments to such posts;
  - (m) make recommendations to the Central Government about changes in Schedule I;

- (n) make recommendations to the Central Government about any modifications in the Scheme;
- (o) endeavour to settle disputes about which a request for adjudication has been made to the Central Government by the parties concerned and report to the Government the results of such endeavours;
- (p) discuss statistics of output of labour and turn-round of ships and record its observations and directions; and
- (q) sanction the opening of accounts in such scheduled Banks as it may direct and the operation of such accounts by such persons as the Board may from time to time direct.

9. *Responsibilities and duties of Chairman.*—(1) The Chairman shall have full administrative and executive powers to deal with all matters relating to the day-to-day administration of the Scheme and in particular:

- (a) to ensure that the decisions of the Board in regard to the adjustment of the workers' registers are carried out expeditiously;
- (b) to ensure that the sanctions for temporary registration of workers are carried out without delay;
- (c) (i) to supervise and control the working of the Administrative Body;  
(ii) to take suitable steps if any irregularities are detected by him or brought to his notice;
- (d) to ensure that proper and adequate supervision is provided by the registered employers over the workers employed on their ships;
- (e) to ensure that the provisions of the Scheme in regard to transfer and promotion of workers are carried out;
- (f) to constitute Medical Boards when required;
- (g) to ensure that conditions, laid down in the Scheme, for the registration of employers are complied with by them;
- (h) to ensure that all forms, registers, returns and documents prescribed under the Scheme, are properly maintained;
- (i) to ensure that the suitable statistics in regard to the output of labour and the turn-round of ships are compiled and placed before the Board every quarter with appropriate remarks and explanations;
- (j) to sanction the creation of posts the maximum salary of which exclusive of allowances is below Rs. 300 per month and to make appointments to such posts;
- (k) to take disciplinary action against workers and employers in accordance with the provisions of the Scheme;
- (l) to allow relaxation in the maximum number of shifts per worker per week or per month, and to report such cases to the Board;
- (m) to declare that there has been a 'go-slow' and to take action as authorised under the Scheme;
- (n) to declare a 'state of emergency' and to take action as authorised under the Scheme;
- (o) to make a report, when necessary, to the Central Government under clause 4(7) (g);
- (p) to sanction the transfer of a monthly worker to the reserve pool at the request of the employer or the worker, as provided for in the Scheme;
- (q) to deal with appeals under clauses 48 and 49; and
- (r) to discharge all other duties and responsibilities specifically vested in the Chairman under the Scheme.

(2) The Chairman may delegate in writing to the Executive Officer any of the functions under sub-clause (1) above excepting those mentioned in items (j), (l), (m), (n), (o), (q) and (r). Such delegation, however, shall not divest the Chairman of his powers.

10. *Responsibilities and duties of the Executive Officer.*—The Executive Officer shall be a whole time Officer of the Board and shall assist the Chairman in the discharge of his functions and in particular shall—

- (a) discharge all functions relating to disciplinary action against registered employers and dock workers to the extent permitted under clause 45.

- (b) exercise such other functions as are delegated to him in writing by the Chairman.

11. *Functions of the Administrative Body.*—Without prejudice to the powers and functions of the Board, the Chairman and the Executive Officer, the Administrative Body shall be responsible for the administration of the Scheme and shall in particular be responsible for—

- (a) keeping, adjusting and maintaining the employers' register, entering or re-entering therein the name of any dock employer and, where circumstances so require removing from the register the name of any registered employer, either at his own request or in accordance with the provisions of the Scheme;
  - (b) keeping, adjusting and maintaining from time to time such registers or records as may be necessary, of dock workers, including any registers or records of dock workers who are temporarily not available for dock work and whose absence has been approved by the Administrative Body and where circumstances so require, removing from any register or record the name of any registered dock worker either at his own request or in accordance with the provisions of the Scheme;
  - (c) the employment and control of registered dock workers available for work when they are not otherwise employed in accordance with the Scheme;
  - (d) the grouping or re-grouping of registered dock workers in accordance with the instructions received from the Board in such groups as may be determined by the Board;
  - (e) the allocation of registered dock workers in the reserve pool who are available for work to registered employers and for this purpose the Administrative Body shall—
    - (i) be deemed to act as an agent for the employer,
    - (ii) make the fullest possible use of registered dock workers in reserve pool,
    - (iii) keep the record of attendance, at call stands or control points, of registered dock workers,
    - (iv) provide for the maintenance of the records of employment and earnings,
    - (v) subject to the allotment of work by rotation under clause 29(3), allocate workers in accordance with clauses 19 and 30, and
    - (vi) make necessary entries in the Attendance and Wage Cards of workers in the reserve pool as laid down in clause 27;
  - (f) (i) the collection of levy, contribution to the Dock Workers Welfare Fund or any other contribution from the employers as may be prescribed under the Scheme;
  - (ii) the collection of workers, contribution to the Provident Fund, Insurance Fund or any other fund which may be constituted under the Scheme;
  - (iii) the payment as agent of the registered employer to each daily worker of all earnings properly due to the worker from the employer and the payment to such workers of all monies payable by the Board to those workers in accordance with the provisions of the Scheme;
  - (g) appointing subject to budget provision, such officers and servants from time to time as may be necessary;
- Provided that the creation of posts the maximum salary of which exclusive of allowances is not less than Rs. 250 per month and appointment of persons to such posts shall be subject to clauses 8(1) and 9(1)(j);
- (h) the keeping of proper accounts of the cost of operating the Scheme and of all receipts and expenses under it and making and submitting to the Board an annual report and audited balance-sheet;
  - (i) the framing of budget annually and for getting it approved by the Board;
  - (j) maintaining complete service records of all registered dock workers; and

- (k) such other functions as may from time to time, subject to the provisions of the Scheme, be assigned to it by the Board or the Chairman.

12. *Labour Officer.*—The Administrative Body when it consists of employers of dock workers shall appoint a Labour Officer or Labour Officers with the approval of the Board. The Labour Officer shall under the supervision and control of the Administrative Body, carry out such functions as may be assigned to him by that Body consistent with the provisions of the Scheme.

13. *Functions of the Personnel Officer.*—The Personnel Officer shall assist the Executive Officer generally in the discharge of his duties and shall, in particular, carry out functions vested in him under clause 45.

14. *Officers appointed by the Central Government for proper working of the Scheme.*—(1) Notwithstanding the provisions of the clauses 5, 6, 11 and 13, the Central Government may in its discretion appoint from time to time, in consultation with the Chairman of the Board, one or more officers and entrust to such officer or officers such functions as it may deem fit for the proper working of the Scheme.

(2) Such officer or officers shall be subject to the general supervision and control of the Chairman and be paid from the funds of the Board. He/They shall hold office for such period and on such terms and conditions as the Central Government may determine.

15. *Maintenance of Registers etc.*—(1) Employers' Register.—

(a) There shall be a register of employers.

(b) In so far as the application of the Scheme to stevedore Labour is concerned, every stevedore who is licensed by the Cochin Port Authority at the time when the Scheme is put into operation and who has worked as a stevedore in the Port of Cochin at any time during the preceding two years shall be entitled to be registered under the Scheme; but no such person shall be so entitled unless he applies for registration on or before the date fixed by the Board for this purpose.

(c) Persons other than those registered under sub-clause (b) shall not be registered as stevedores unless the Board considers it expedient and necessary to do so and in no case shall a person be registered until he has been licensed in that behalf by the Port Authority.

(d) The Board may, subject to such conditions as it may, with the previous approval of the Central Government prescribe in this behalf, permit persons registered under item (b) or (c), to form one or more groups and each group so formed shall be treated as one employer only for employment of monthly workers:

Provided that the Board shall have power to make with the previous approval of the Central Government such alterations or modifications in the conditions prescribed, as it may deem necessary from time to time:

Provided further that the Board may revoke from such date as it may specify, the permission given to any group of employers if, after giving an opportunity to the group of employers to show cause against the proposal and after considering its representations, if any, the Board is satisfied that the group of employers has failed to comply, in part or in full, with the conditions prescribed for the formation of such group and the said group shall stand dissolved from such date.

(2) *Workers' Register.*—(a) The workers' registers shall be maintained in the forms prescribed by the Board for this purpose.

(b) The registers of stevedore workers shall be as under, namely:—

(i) *Monthly Register*—Register of workers who are engaged by each stevedore on contract on monthly basis and who are known as monthly workers. This register may include a list of stevedore mazdoors known as leave reserve workers to fill in casual vacancies in gangs.

(ii) *Reserve Pool Register*—Register of workers other than those on the monthly register and known as Reserve Pool Workers. This register shall include a sub-pool of stevedore mazdoors to fill casual vacancies. The workers included in such a sub-pool shall be known as leave reserve workers.



16. *Classification of workers in Registers.*—(1) The Board shall arrange for the classification of workers by categories in the registers.

(2) Dock workers registered under the Scheme shall be classified into:—

- (a) Foreman (Serang).
- (b) Tindal.
- (c) Winchman.
- (d) Stevedore Mazdoor.

17. *Fixation of number of workers on the Register.*—The Board shall in consultation with the Administrative Body determine, before the commencement of registration in any category, the number of workers required in that category.

18. *Registration of existing and new workers.*—(1) (a) Any dock worker who, immediately before the coming into force of the Scheme, is in the employment of any employer to whom the Scheme applies, shall be eligible for registration.

(b) The qualifications for new registration shall be such age as may be prescribed by the Board having regard to local conditions but not exceeding 40 years, physical fitness, capacity and/or experience. Indian Nationals only shall be eligible for registration.

(c) Registration of workers in any new category shall be done from among workers who have been or were working in the Port on any such date as the Board may prescribe on this behalf and selection for registration shall be made as far as possible on the basis of seniority, i.e., in the order of the total period for which a dock worker has worked in that category provided that the worker is medically fit and is not more than 60 years of age.

(2) The following principles shall apply in respect of registration of new categories of dock workers which may after the date of enforcement of the Scheme be included in Schedule I:

- (a) Before a worker is registered in any of the new categories, the Board shall under clause 17 make a thorough investigation with a view to arriving at an estimate of the number of workers in that category that are likely to be required out of all the bona fide workers in that category who may then be working in the docks.
- (b) There shall be a provisional registration based on the anticipated requirements and the mere fact that a worker has been working before in the port shall not automatically entitle him to registration.
- (c) After the provisional registration has been completed, the booking in rotation shall start without allowing, at that stage, any financial benefits other than wages which accrue to registered workers under the Scheme.
- (d) A reassessment of the requirements shall be made after six months in the light of the actual employment obtained by workers provisionally registered and the provisional registration shall then be adjusted accordingly. The payment of attendance allowance under clause 32 only shall commence from that time.
- (e) The working under these conditions shall be examined after a year of the introduction of the rotational booking with a view to fixing the number of days for which the guaranteed minimum wages under clause 31, should be paid. From then onwards the workers will be entitled to all the benefits under the Scheme.
- (f) The minimum number of days in a month for which wages are guaranteed under clause 31 to categories of workers previously registered shall not automatically be claimed by workers of the categories to be registered after the date of enforcement of the Scheme. Such minimum number of days may vary from category to category as determined, under item (e) above.
- (g) The wages of the workers in categories which may be registered after the date of enforcement of the Scheme, shall be such as may be fixed by the Board from time to time.

(3) The Board may from time to time permit the registration of workers temporarily for such periods and on such terms and conditions of service as the Board may specify:

Provided that the workers registered temporarily shall be entitled to attendance allowance under clause 32 and shall have the same obligations as registered dock workers in the reserve pool.

(4) Any fresh recruitment, whether on a temporary or permanent basis, in any category in which dock workers have already been registered under the Scheme shall be done from amongst workers registered with the local Employment Exchange. If, however, the requirement exceeds the number of suitable men available on the register of the Employment Exchange on the day of the requisition, direct recruitment, after absorbing suitable men from the Employment Exchange register, may be made.

(5) New workers registered under item (b) of sub-clause (1) will be on probation for a period of three months before being placed on a permanent basis on the registers.

(6) Notwithstanding any other provision of the Scheme, where the Board is of opinion that a dock worker has secured his registration by furnishing false information in his application or by withholding any information required therein, or where it appears that a worker has been registered improperly or incorrectly, the Board in meeting may direct the removal of his name from the registers:

Provided that before giving any such direction the Board shall give him an opportunity of showing cause why the proposed direction should not be issued.

19. *Promotion and Transfer of workers.*—(1) A vacancy, other than a casual vacancy, in any category of workers in a reserve pool register shall ordinarily be filled by promotion of a worker from the next lower category.

(2) A vacancy other than a casual vacancy, in any category of monthly workers may be filled only by promotion from lower categories of monthly workers of the same employer or group of employers or, if no person is suitable for promotion from lower categories of monthly workers of the same employer or group of employers, by transfer of a worker in the same or a superior category from the reserve pool who may be selected by a registered employer or a group of employers.

*Explanation.*—The criteria for promotion shall ordinarily be:—

(a) seniority,

(b) merit and fitness for work in the category to which promotion is to be made, and

(c) record of past service.

*NOTE.*—A transfer from the reserve pool register to the monthly register in the same category or *vice-versa* shall not be deemed a promotion.

(3) The Chairman or the Executive Officer may for sufficient and valid reasons allow the transfer of a monthly worker to the reserve pool on a request in writing of the employer or the worker explaining fully the reasons for the transfer, provided that such transfer shall be subject to the fulfilment of any contract subsisting between the monthly worker and his employer regarding termination of employment. No transfer shall take place without the prior approval of the Chairman or the Executive Officer.

(4) If the services of a monthly worker are terminated by an employer for an act of indiscipline or misconduct he may apply to the Board for employment in the reserve pool. The Executive Officer on behalf of the Board shall then decide on the merits of the case whether or not the worker should be employed and if so, whether in the same or a lower category.

(5) If a monthly worker is transferred to or employed in the reserve pool under sub-clause (3) or sub-clause (4), as the case may be, his previous service shall be reckoned for all benefits in the reserve pool and the employer shall transfer to the Board all benefits that have accrued to the worker in respect of his previous service as if such service had not been transferred. The employer shall in particular contribute to the Board such amount as may be appropriate towards the worker's leave, Provident Fund or gratuity that may be due to him on the date of such transfer.

20. *Medical Examination.*—(1) A new worker before registration shall undergo, free of charge, a medical examination for physical fitness by a Medical Officer nominated by the Chairman for this purpose. A worker found medically unfit by a Medical Officer may apply in writing to the Chairman and simultaneously deposit with him such fees as may be prescribed in this behalf, for examination by a Medical Board. On receipt of such a request, the Chairman shall set up a Medical Board. The decision of the Medical Board shall be final and a worker who is medically unfit shall not be entitled to registration.

(2) If the Administrative Body deems it necessary, a worker shall undergo free of charge a medical examination by a Medical Board to be constituted by the Chairman. The decision of the Medical Board shall be final. If a worker is found permanently unfit by the Medical Board the Chairman shall terminate his services forthwith.

21. *Facilities for Training.*—The Board shall make provision for training of suitable registered workers in the duties of Winchmen or in any other duties like signalling, etc. that it may deem necessary.

22. *Registration Fees.*—A registration fee of rupees two shall be payable to the Board by each worker at the time of registration under the Scheme:

Provided however, that the fee for workers registered at the commencement of the Scheme shall be Rupee one.

23. *Supply of cards.*—(1) Every registered worker shall be supplied, free of cost with the following cards in the forms prescribed by the Board, namely:

- (i) Identity card,
- (ii) Attendance card, and
- (iii) Wage card.

2. In case of loss of a card, a fresh card will be issued but the cost thereof which will be fixed by the Board, shall be payable by the worker concerned.

24. *"Service Records" for registered workers.*—A "Service Record" for every monthly and daily worker shall be maintained by the Administrative Body in a form to be prescribed by the Board which shall contain, among other things, a complete record of disciplinary actions taken against the worker, promotions, commendations for good work etc. Such details in respect of monthly workers shall be supplied to the Administrative Body by the registered employers.

25. *"Record Sheets" for registered employers.*—The Personnel Officer shall maintain a "Record Sheet" in respect of each registered employer in a form to be prescribed by the Board which shall contain, among other things, a complete record of disciplinary actions taken against the registered employer.

26. *Surrender of Cards.*—A worker's cards shall be surrendered to the Administrative Body in the following circumstances, namely:—

- (a) when proceeding on leave, for three days or more;
- (b) when retiring from service;
- (c) when dismissed or discharged from service;
- (d) when temporarily suspended; or
- (e) on death.

Provided that the employer of a monthly worker will also surrender the card of the worker to the Administrative Body in the case of (a), (b), (c), (d) and (e) above.

27. *Entries in Attendance Card and Wage Card.*—(1) A registered dock worker in the reserve pool shall hand over his Attendance Card and Wage Card to the Administrative Body at the time he is allocated for work to a registered employer unless any of the cards has already been deposited with the said Body previously and has not been returned to the worker. The Administrative Body shall arrange to make necessary entries in the Attendance Card and the Wage Card in respect of the period of work done by the worker and return them to him as soon as the entries have been made.

(2) A monthly worker shall hand over his Attendance Card and Wage Card to his employer at the time when he is allotted work on a ship unless any of the cards has already been deposited with the employer previously and has not been returned to the worker. The said employer shall make necessary entries in the cards in respect of the period of work done by the worker and return them to him as soon as the entries have been made.

28. *Employment of workers.*—(1) A monthly worker of a particular category attached to a registered employer or a group of employers shall be entitled to be employed for work in that category by that employer or group of employers in preference to any worker of the same category in the reserve pool.

(2) If the number of workers on the monthly register in a particular category is not sufficient for the work available, the workers on the reserve pool register in that category, shall be employed.

(3) A monthly worker of one employer or a group of employers shall not be employed by another employer or group of employers except with the previous approval of the Chairman or the Executive Officer.

29. *Employment in shifts.*—(1) Workers shall be employed in shifts.

(2) (a) A worker shall not ordinarily be employed in two consecutive shifts nor shall a worker be employed in two consecutive shifts on each of two successive days. In no case shall a worker be employed in three consecutive shifts.

(b) A worker in the reserve pool shall not be employed for more than 9 shifts in a week or 33 shifts in a month.

(c) Normally, a monthly worker shall not be employed for more than 6 shifts in a week or 27 shifts in a month, but when a worker in the reserve pool who has not reached the maximum limit of employment defined in item (b) above is not available, a monthly worker may be employed upto 9 shifts in a week or 33 shifts in a month.

(d) In special circumstances, the Chairman may relax temporarily the restrictions under items (b) and (c) to the extent necessary.

(e) Workers working more than one shift in a day will be entitled to the normal rate of wages for work in each shift.

(3) Workers of each category on the reserve pool register shall be allotted work by rotation.

(4) Where work is carried on by a gang, the allotment of workers by rotation shall be by gangs.

30. *Filling up of Casual vacancies.*—Casual vacancies in the monthly and reserve pool registers in the categories of Tindal and Stevedore Mazdoor shall be filled up in the following manner:—

When a Tindal is absent the senior most Stevedore Mazdoor in the shift shall work as Tindal. The resultant vacancy shall be filled by leave reserve workers by rotational booking.

31. *Guaranteed Minimum Wages in a month.*—(1) A worker in the reserve pool register shall be paid wages at least for twelve days in a month at the wage rate, inclusive of dearness allowance, as prescribed by the Board appropriate to the category to which he permanently belongs, even though no work is found for him for the minimum number of twelve days in a month. The days on which work is allotted to the worker shall be counted towards the twelve days mentioned above. The guaranteed minimum wages in a month shall be—

(a) for the number of days for which wages are guaranteed in a month subject to the condition that the worker attended for work on all days of the month as directed by the Administrative Body; or

(b) proportionate to the number of days on which the worker attended for work provided he was excused from attendance on all the remaining days of the month.

(2) Subject to the provisions of sub-clause (1), the minimum number of days in a month for which wages are guaranteed may be fixed by the Board for each year on the basis of the monthly average employment obtained by the workers in the reserve pool in the lowest category of stevedore workers during the preceding year until the minimum number of days reaches 21; provided that the number so fixed shall not, in any case, be less than the number in the preceding year.

(3) The minimum number of days for which wages shall be guaranteed under sub-clauses (1) and (2) above shall not automatically apply to workers in new categories that may be registered after the date of enforcement of the scheme. The minimum number of days for which wages shall be guaranteed to these categories shall be determined under clause 18(3)(e). The annual re-fixation of the minimum number of days as under sub-clause (2) shall be done independently in their case also.

*Explanation.*—In sub-clauses (1), (2), and (3) of this clause a 'day' shall mean a 'shift'.

32. *Attendance allowance*.—Subject to the other provisions of the Scheme, a worker on the reserve pool register who is available for work but for whom no work is found shall be paid attendance allowance at the rate of rupee one per day for the days on which during a calendar month he attended for work as directed by the Administrative Body and no work was found for him;

Provided that the Board may allow payment of attendance allowance at such higher rate not exceeding rupees two as it may deem necessary:

Provided further that no attendance allowance shall be payable for any day for which full wages, inclusive of dearness allowance, have been paid under clause 31 or otherwise or for which disappointment money is paid under clause 34.

33. *Employment for a shift*.—(1) No worker in the reserve pool register shall be employed for a period of less than a shift and where the work for which a worker has been engaged is completed during the working period of the shift he shall undertake such other work in or at the same or another vessel or berth as may be required by the same employer for the remainder of the period and if no such other work is made available to him, he shall be paid in the following manner:

- (i) if he is engaged on time-rate basis he shall be paid the time-rate wage for the entire shift;
- (ii) if he is engaged on a piece rate basis he shall be paid in addition to the piece rate wages earned by him in that shift, the calculated daily time rate wage for the period he is rendered idle for want of work.

(2) Where a worker is allotted to a registered employer for work in a particular shift but the worker after reporting to the berth, is not engaged by the employer for the reason that the ship has not been berthed, he may be required to work for another employer in another ship berthed at the same place during that shift.

34. *Disappointment Money*.—When a worker in the reserve pool presents himself for work and for any reason the work for which he has attended cannot commence or proceed and no alternative work can be found for him and he is relieved within 2 hours of his attending for work, he shall be entitled to disappointment money equal to half the time-rate wage inclusive of dearness allowance, appropriate to the category to which he belongs. A worker detained for more than 2 hours shall be paid full time-rate wages inclusive of dearness allowance.

35. *Holidays*.—Each worker shall be entitled in a year to 8 holidays with pay at such rates as may be prescribed by the Board under clauses 41 and 42 including all such days, which shall not exceed 6 in a year, as are declared by the Board as closed holidays. Any payment made under this clause shall be exclusive of the payment calculated under clause 31.

36. *Committees*.—The Board may appoint one or more committees to whom it may entrust such of its functions as it may deem necessary to facilitate compliance with the provisions of the Scheme and may abolish or reconstitute them as it may deem necessary. Persons who are not members of the Board may, if necessary, be nominated as co-opted members of a committee, such co-opted members, however, shall not have any right of vote.

37. *Obligations of registered dock workers*.—(1) Every registered dock worker shall be deemed to have accepted the obligations of the Scheme.

(2) A registered dock worker in the reserve pool who is available for work shall be deemed to be in the employment of the Board.

(3) A registered dock worker in the reserve pool who is available for work shall not engage himself for employment under a registered employer unless he is allocated to that employer by the Administrative Body.

(4) A registered dock worker in the reserve pool who is available for work shall carry out the directions of the Administrative Body and shall—

- (a) report at such call stands or control points and at such times as may be specified by the Administrative Body and shall remain at such call stands or control points—
- (i) throughout the period of the shift, if instructed by the Administrative Body to that effect, on payment of such retention allowance as may be prescribed by the Board; or

- (ii) for such period, not exceeding one hour, as may be specified; and
- (b) accept any employment in connection with dock work, whether in the category in which he has been registered or in any other category for which he is considered suitable by the Administrative Body.

(5) A registered dock worker who is available for work when allocated by the Administrative Body for employment under a registered employer shall carry out his duties in accordance with the directions of such registered employer or his authorised representative or supervisor and the rules of the port or place where he is working.

**38. Obligations of registered employers.**—(1) Every registered employer shall accept the obligations of the Scheme.

(2) Subject to the provisions of clause 28 and the relaxation given in clause 18(2), a registered employer shall not employ a worker other than a dock worker who has been allocated to him by the Administrative Body in accordance with the provisions of clause 11(e).

(3) A registered employer shall, in accordance with arrangements made by the Administrative Body, submit all available information of his current and future labour requirements.

(4) A registered employer shall lodge with the Administrative Body, unless otherwise directed, particulars of the tonnage handled by workers on piece-rate and such other statistical data as may be required in respect of the registered dock workers engaged by him.

(5) (i) A registered employer shall pay to the Administrative Body in such manner and at such times as the Board may direct the levy payable under clause 52(1) and the gross wages due to daily workers.

(ii) A registered employer shall make payment as contributions to the Dock Workers Welfare Fund under clause 54.

(6) A registered employer shall keep such record as the Board may require, and shall produce to the Board or to such persons as may be designated by the Board upon reasonable notice all such records and any other document of any kind relating to registered dock workers and to the work upon which they have been employed and furnish such information relating thereto, as may be set out in any notice or directions issued by or on behalf of the Board.

**39. Restriction on employment.**—(1) No person other than a registered employer shall employ any worker on dock work nor shall a registered employer engage subject to the relaxation given in clause 18(2), for employment or employ a worker on dock work unless that worker is a registered dock worker.

(2) Notwithstanding the foregoing provisions of this clause—

(a) where the Administrative Body is satisfied that—

(i) dock work is emergently required to be done; and

(ii) it is not reasonably practicable to obtain a registered dock worker for that work, the Administrative Body may, subject to any limitations imposed by the Board, allocate to a registered employer a person who is not a registered dock worker. In selecting such workers the local Employment Exchange organisation shall as far as possible, be consulted:

Provided that whenever unregistered workers have to be employed, the Administrative Body shall obtain, if possible, the prior approval of the Chairman to the employment of such workers, and where this is not possible shall report to the Chairman within 24 hours the full circumstances under which such workers were employed and the Chairman shall duly inform the Board of such employment at its next meeting;

(b) In the case referred to in item (a) the person so employed as aforesaid by a registered employer shall, for the purposes of clause 38(4), (5) and (6) and clauses 41 and 42, be treated in respect of that dock work as if he were a daily worker.

(3) A registered worker in the reserve pool may, provided he fulfils fully his obligations under clause 37, take up occasional employment under employers other than those registered under the Scheme on those days on which he is not allocated for work by the Administrative Body.

**40. Circumstances in which the Scheme ceases to apply.**—(1) The Scheme shall cease to apply to a registered dock worker when his name has been removed from the register or record in accordance with the provisions of the Scheme.

(2) The Scheme shall cease to apply to a registered employer when his name has been removed from the employers' register in accordance with the provisions of the Scheme.

(3) Nothing in this clause shall affect any obligations incurred or right accrued during any time when the person was a registered dock worker or a registered employer.

**41. Wages, allowances and other conditions of service of certain classes of workers.**—Unless otherwise specifically provided for in the Scheme, it shall be an implied condition of the contract between a registered dock worker (whether in the reserve pool or on the monthly register) not being a worker to whom the provisions of clause 42 apply, and a registered employer that—

(a) the rates of wages, allowances and overtime, hours of work, rest interval, holidays and pay in respect thereof and other conditions of service shall be such as may be prescribed by the Board for each category of workers; and

(b) the fixation of wage periods, time for payment of wages and deductions from wages shall be in accordance with the provisions of the Payment of Wages Act, 1936.

**42. Wages, allowances and other conditions of service of Winchman, Tindal and Stevedore Mazdoor.**—(1) Unless otherwise specifically provided for in the Scheme, it shall be an implied condition of the contract between a registered dock worker in the categories of Winchman, Tindal and Stevedore mazdoor, (whether in the reserve pool or on the monthly register) and a registered employer that the rates of wages, allowances and overtime, hours of work, rest intervals, holidays and pay in respect thereof and other conditions of service shall be such as may be prescribed by the Board for each category of workers subject to the provisions of sub-clauses (2), (3), (4), (5), (6) and (7).

(2) The Board shall appoint a Committee consisting of representatives of registered employers, Shipping Companies, workers and the Port Authority and a nominee of the Central Government to determine the norms for output in respect of cargoes of different kinds, and/or Zones. Should the Committee, not be able to prescribe agreed norms within a period of two months of having been asked to do so, the Chairman of the Board may determine such norms and submit them to the Central Government for approval. These norms shall be adopted as standard output required of workers. The same procedure shall be followed if and when a revision of the norms is considered necessary by the Board.

(3) The Board shall by regulations relate the wages earned to the actual output of workers. The regulations shall be submitted to the Central Government for approval before implementation.

(4) The regulations framed under sub-clause (3) shall *inter alia* provide for the following:

(i) A worker shall be entitled to the normal wage prescribed by the Board if he with the other members of his gang produces the standard output.

(ii) If the actual output of a gang is more or less than the standard output, the normal wage shall be enhanced or reduced in such proportion as may be determined by the Board:

Provided that the earnings of a worker shall in no case be lower than a guaranteed daily wage to be fixed by the Board from time to time subject to the condition that it shall not be less than 3/5th of the normal wage.

(iii) A worker will be entitled to a time-rate wage, to be prescribed by the Board, for any period or periods for which loading and unloading may be held up for reasons beyond the worker's control, such as inclement weather, non-availability of cargo etc.

(iv) Notwithstanding the provisions of item (ii) a worker or a gang of workers who fails to produce the standard output in more than 50% of the shifts worked during a month shall be liable to disciplinary action for inefficiency.

(5) Should the Board fail to devise suitable regulations under sub-clause (3) the Central Government may direct the Board that a piece-rate scheme approved by the Central Government should be adopted and the Board shall be bound to carry out the directions so given.

(6) A worker on the monthly register shall draw wages on a calculated daily time-rate basis for the days for which he is entitled to payment but is not allotted any work

(7) The Board may, if necessary, enforce the provisions of sub-clauses (1) to (6) of this clause in such stages as may be approved by the Central Government.

(8) The fixation of wage periods, item for payment of wages and deductions from wages shall be in accordance with the provisions of the Payment of Wages Act, 1936.

(9) Notwithstanding the provisions contained in sub-clauses (1) to (7) above, the Central Government may, if it so decides, set up such other body as it may deem fit for determining any or all of the matters referred to in the said sub-clauses and the decision of the Central Government on the recommendations of the said body shall be final and binding.

(10) The workers to whom this clause applies shall be governed by the provisions of clause 41 so long as—

- (i) regulations have not been framed under sub-clause (3) and enforced, or
- (ii) the Central Government has not issued a direction to the Board under sub-clause (5), or
- (iii) the Central Government does not give any decision on the recommendations of the body under sub-clause (9).

43. *Pay in respect of unemployment and under-employment.*—(1) Subject to the conditions set out in this and the next following clause, when, in any wage period, a registered dock worker in the reserve pool is available for work but is not given employment or full employment, he shall be entitled to receive from the Board such amounts as may be admissible to him under clauses 31, 32 and 34.

(2) The conditions subject to which a registered dock worker is entitled to the said payment (if any) from the Board are that—

- (a) he attended as directed at the call stands or control points, and
- (b) his attendance was recorded.

44. *Disentitlement to payment.*—(1) A registered dock worker who while in the reserve pool fails without adequate cause to comply with the provisions of clause 37(4) (a) or (b), or fails to comply with any lawful order given to him by or on behalf of the Board, may be proceeded with in accordance with Sub-clause (3).

(2) A registered dock worker in the reserve pool who, while in employment to which he has been allocated by the Administrative Body, fails without any adequate cause to comply with the provisions of clause 37(5) or fails to comply with any lawful orders given to him by his employer may have his engagement terminated and may be returned to the reserve pool and, whether or not he is so, returned, may be reported in writing to the Labour Officer. When a registered dock worker is so returned to the reserve pool, the Administrative Body shall endorse his Attendance and Wage cards accordingly.

(3) The Labour Officer shall consider any matter arising under sub-clause (1) or (2) and if, after investigating the matter, he notifies the registered dock worker that he is satisfied that the registered dock worker has failed to comply with a lawful order as aforesaid, the registered dock worker shall not be entitled to any payment, or to such part of any payment under clause 43 as the Labour Officer thinks fit in respect of the wage period in which such failure occurred or continues.

45. *Disciplinary procedure.*—(1) (i) The Personnel Officer on receipt of the information whether on a complaint or otherwise, that a registered employer has failed to carry out the provisions of the Scheme may after investigating the matter, give him a warning in writing, or

(ii) Where in his opinion, a higher penalty is merited, he shall report the case to the Executive Officer, who may then cause such further investigation



to be made as he may deem fit and take any of the following steps as regards that employer that is to say he may—

- (a) censure him and record and censure in his record sheet—or
- (b) subject to the approval of the Board and after one month's notice in writing given to the registered employer, inform the Administrative Body that the name of the employer shall be removed from the employers' register for such period as determined by the Board, or permanently in case of a grave offence.

(2) A registered dock worker in the reserve pool, who fails to comply with any of the provisions of the Scheme, or commits any act of indiscipline or misconduct, may be reported in writing to the Labour Officer who may after investigating the matter take any of the following steps as regards that worker, that is to say, he may,

- (a) determine that, for such period as he thinks proper, that worker shall not be entitled to any payment or part payment under clause 43.
- (b) give him a warning in writing, or
- (c) suspend him without pay for a period not exceeding three days.

(3) (a) Where in a case reported to the Labour Officer under sub-clause (2) he is of opinion that the act of indiscipline or misconduct is so serious that the worker should not be allowed to work any longer the Labour Officer may, pending investigation of the matter, suspend the worker and report immediately to the Executive Officer, who after preliminary investigation of the matter shall pass orders thereon whether the worker, pending final orders, should remain suspended or not;

(b) where a worker has been suspended by an order under item (a), he shall be paid for each day of suspension a subsistence allowance equivalent to the attendance allowance provided in clause 32 or one fourth of his daily wage including dearness allowance, whichever is greater; provided that for the period of suspension in excess of a month the Chairman may, in exceptional cases, grant a higher subsistence allowance not exceeding half the total daily wage including dearness allowance;

(c) the subsistence allowance so paid shall not be recoverable or liable to forfeiture in any case whatsoever;

(d) where a worker is found not guilty, he shall be entitled to such payments as the Administrative Body certifies that the worker would have received on the time rate basis or under clause 32 had he not been suspended provided that the amounts so payable shall be reduced by the amount of subsistence allowance payable or already paid during a particular period.

(4) Where, in the opinion of the Labour Officer, a higher punishment than that provided in sub-clause (2) and (3) is merited, he shall report the case to the Executive Officer.

(5) On receipt of the written report from the Labour Officer under sub-clause (4) or from the employers or any other person that a registered dock worker in reserve pool has failed to comply with any of the provisions of the Scheme or has committed an act of indiscipline or misconduct, or has consistently failed to produce the standard output or has been inefficient in any other manner, the Executive Officer may make or cause to be made such further investigation as he may deem fit, and thereafter take any of the following steps, as regards the worker concerned, that is to say, he may impose any of the following penalties:

- (a) determine that, for such period as he thinks proper, the worker shall not be entitled to any payment or part payment under clause 43;
- (b) give him a warning in writing;
- (c) suspend him without pay for a period not exceeding three months;
- (d) terminate his services after giving 14 days' notice or 14 days' wages inclusive or dearness allowance in lieu thereof; or
- (e) dismiss him.

(6) Before any action is taken under this clause the person concerned shall be given an opportunity to show cause why the proposed action should not be taken against him.

(7) The Administrative Body shall be informed simultaneously about the action taken under this clause.

(8) Notwithstanding anything contained in clauses 44 and 45, the powers vested in the authority specified in column (1) of the Table below under the provisions specified in column (2) of the said Table, shall also be exercisable by the authority specified in the corresponding entry in column (3) in such cases as the last named authority may specify in writing in this behalf:

TABLE

Authority empowered to take action 1	Power given under 2	Authority empowered to take action in specified cases. 3
1. Labour Officer	Clauses 44 and 45	Administrative Body
2. Personnel Officer	Clause 45	Executive Officer or Chairman.
3. Executive Officer	Clause 45	Chairman

46. *Special Disciplinary powers of the Chairman of the Board.*—(1) Notwithstanding anything contained in the Scheme, if the Chairman is satisfied that a 'go-slow' has been resorted to by any gang or registered dock workers or by any such individual worker and is being continued or repeated by the same gang or worker or different gangs or workers on the same or different ships, he may make a declaration in writing to that effect:

(2) When a declaration under sub-clause (1) has been made, it shall be lawful for the Chairman—

- (i) in the case of monthly workers, to take without prejudice to the rights of the registered employers, such disciplinary action including dismissal against such workers, as he may consider appropriate; and
  - (ii) in the case of registered dock workers in the reserve pool, to take such disciplinary action including dismissal against such workers as he may consider appropriate and also to order forfeiture of their guaranteed minimum wages and attendance allowance for the wage period or periods in which the 'go-slow' has been resorted to.
- (3) The Chairman may take disciplinary action—
- (i) where the 'go-slow' is resorted to by a gang, against all the members of the gang; and
  - (ii) where the 'go-slow' is resorted to by a worker, against the worker concerned.

(4) Before any disciplinary action is taken under this clause against any worker or any gang of workers, such worker or gang shall be given an opportunity to show cause why the proposed action should not be taken against him or it:

Provided that the Chairman may, before giving an opportunity to show cause under this sub-clause, suspend from work and worker or gang of workers immediately after a declaration has been made under sub-clause (1).

(5) A declaration by the Chairman of the Board that a 'go-slow' has been resorted to by a worker or a gang of workers shall be final and shall not be liable to be questioned on any ground or in any manner whatsoever.

47. *Termination of Employment.*—(1) The employment of a registered dock worker in the reserve pool shall not be terminated except in accordance with the provisions of the Scheme.

(2) A registered dock worker in the reserve pool shall not leave his employment with the Board except by giving fourteen days' notice in writing to the Board or forfeiting fourteen days' wages inclusive of dearness allowance in lieu thereof.

(3) When the employment of a registered dock worker with the Board, has been terminated under sub-clause (1) or (2) above, his name shall forthwith be removed from the registered or record by the Administrative Body.

48. *Appeal by workers.*—(1) Save as otherwise provided in this clause, a worker in the reserve pool who is aggrieved by an order passed by an authority specified in column (1) of the table below, under the provisions specified in column (2) of the said table, may prefer an appeal against such order to the authority specified in the corresponding entry in column (3) of the said Table.

TABLE

Authority passing order 1	Order made under 2	Appellate Authority 3
Labour Officer	Clause 44 or 45	Executive Officer
Administrative Body	Clause 44 or 45	Executive Officer
Executive Officer	Clause 45	Chairman
Chairman	Clause 45	Central Government.

(2) A worker who is aggrieved by an order.

(i), placing him in a particular group in the register or record;

(ii) refusing registration under clause 18; or

(iii) requiring him under clause 37 (4) (b) to undertake any work which is not of the same category to which he belongs;

may prefer any appeal to the Chairman.

(3) A dock worker who is aggrieved by an order under clause 19 (4) may prefer an appeal to the Chairman.

(4) No appeal shall lie where due notice has been given of the removal of the name of a registered worker from the register or record in accordance with the instructions of the Board, if the ground of removal is that the registered dock worker falls within a class or description of dock workers whose names are to be removed from the register or record in order to reduce the size thereof.

Provided that an appeal shall lie to the Chairman where the registered dock worker alleges that he does not belong to the class or description of dock workers referred to in the instructions of the Board.

(5) Every appeal referred in sub-clause (1), (2), (3) or (4) or shall be in writing and preferred within 14 days of the date of receipt of the order appealed against and the order passed on such appeal shall be final and conclusive:

Provided that the appellate authority may for reasons to be recorded admit an appeal preferred after the expiry of 14 days.

(6) An appellant shall not be entitled to be represented by a legal practitioner before the appellate authority but he shall be entitled to be represented by a representative of the registered trade union of which he is a member or by a registered dock worker.

49. *Appeals by employers.*—(1) (a) A registered employer who is aggrieved by an order of the personnel Officer under clause 45 (1) (i) may appeal to the Executive Officer, whose order shall be final and conclusive and there shall be no appeal against it.

(b) If a registered employer is aggrieved by an original order of the Executive Officer under clause 45 (1), he may appeal to the Chairman. The order of the Chairman in respect of an appeal against an order under clause 45 (1) (ii) (a) shall be final and conclusive and there shall be no appeal against it. In the case of an appeal against an order under clause 45 (a) (ii) (b), the Chairman shall forthwith refer the matter to the Central Government. The Central Government shall make such order on the appeal as it thinks fit.

(2) A stevedore who has been refused registration under clause 15(1) (c) may appeal to the Central Government through the Chairman. The order of the Central Government shall be final and conclusive and there shall be no appeal against it.

(3) If a registered employer is aggrieved by any original order of the Chairman against him under clause 45, he may prefer an appeal to the Central Government. The Central Government shall make such order on the appeal as it thinks fit.

(4) Every appeal referred to in sub-clause (1), (2) and (3) shall be in writing and preferred within 14 days of the receipt of the order appealed against:

Provided that the appellate authority may for reasons to be recorded admit an appeal preferred after the expiry of 14 days.

(5) An appellant shall not be entitled to be represented by a legal practitioner before the appellate authority but he shall be entitled to be represented by a representative or the association of registered employers of which he is a member or by a registered employer.

50. *Stay of order in case of certain appeals.*—Where an appeal is lodged by a worker in accordance with the provisions of clause 48 against an order of termination of service on 14 days' notice or where an appeal is lodged by an employer in accordance with the provisions of clause 49 against an order removing his name from the employers' register under clause 45 (1) (ii) (b), the appellate authority may suspend the operation of the order appealed from pending the hearing and disposal of the appeal.

51. *Special provisions for action in an emergency.*—(1) If at any time the Chairman is satisfied that an emergency has arisen which will seriously affect the working of the port, he may by order in writing and for such period as he may from time to time specify therein, make a declaration to that effect:

Provided that no such declaration shall be made except with the previous approval of the Central Government.

(2) So long as an order under sub-clause (1) is in force, the following provisions shall apply, namely:—

- (i) If any allegation is made that a registered employer has failed to carry out the provisions of the Scheme, the Chairman may, after holding a summary inquiry into the allegation, take any of the following steps as regards that employer, that is to say, he may—
  - (a) give the registered employer a warning in writing, or
  - (b) direct that the name of the registered employer shall be removed forthwith from the employers' register either permanently or for such period as he may determine.
- (ii) If any allegation of indiscipline, "go-slow" or misconduct is made against a registered dock worker, the Chairman may suspend him forthwith pending inquiry, hold a summary inquiry into the allegation and take any one or more of the following steps against that worker, that is to say, he may—
  - (a) determine that for such period as he thinks proper, that worker shall not be entitled to any payment under clause 43;
  - (b) give him a warning in writing.
  - (c) suspend him without pay for a period not exceeding three months.
  - (d) terminate his services after giving 14 days' notice or 14 days' wages inclusive of dearness allowance in lieu thereof: or
  - (e) dismiss him.

(3) The provisions of the Scheme relating to disciplinary action against registered employers and registered dock workers shall not apply to any order passed by the Chairman under sub-clause (2).

(4) No appeal shall lie from any order passed by the Chairman under sub-clause (2).

(5) Notwithstanding anything contained in the Scheme, so long as an order under sub-clause (1) is in force, the Chairman may authorise the employment of unregistered worker directly by registered employers and payment to such unregistered workers directly.

52. *Cost of operating the Scheme.*—(1) The cost of operating the Scheme shall be defrayed by payments made by registered employers to the Board. Every registered employer shall pay to the Board such amount by way of levy in respect of Reserve pool workers together with and at the same time as the payment of gross wages due from him under clause 38(5) (i) as the Board may from time to time, prescribe by a written notice to registered employers. If considered necessary, the Board may require any registered employer to pay such amount by way of levy in respect of monthly workers at such rate as it may determine.

(2) In determining what payments are to be made by registered employers under sub-clause (1), the Board may fix different rates of levy for different categories of work or workers, provided that the levy shall be so fixed that the same rate of levy will apply to all dock employers who are in like circumstances.

(3) The Board shall not sanction any levy exceeding fifty per cent of the estimated total wage bill calculated on the basis of the daily time rate wage without the prior approval of the Central Government.

(4) A registered employer shall on demand make a payment to the Board by way of deposit, or provide such other security for the due payment of the amount referred to in sub-clause (1), as the Board may consider necessary.

(5) The Administrative Body shall furnish from time to time to the Board such statistics and other information as may reasonably be required in connection with the operation and financing of the Scheme.

(6) If a registered employer, fails to make the payment due from him under sub-clause (1) within the time prescribed by the Administrative Body, the Administrative Body shall serve a notice on the employer to the effect that, unless he pays his dues within three days from the date of receipt of the notice, the supply of registered dock workers to him shall be suspended. On the expiry of the notice period, the Administrative Body shall suspend the supply of registered dock workers to a defaulting employer until he pays his dues.

**53. Provident Fund and Gratuity.**—(1) The Board in respect of the workers in the reserve pool and the registered employers, in respect of their monthly workers, shall frame and operate rules providing for contributory provident fund. The rules shall provide for the rate of contribution from the workers and the employers, the manner and method of payment and such other matters as may be considered necessary:—

Provided that the rules applicable to monthly workers shall not be less favourable than those relating to workers in the reserve pool.

(2) The Board shall frame rules for payment of gratuity to registered workers.

**54. Dock Workers Welfare Fund.**—Cost of amenities, welfare and health measures and recreation facilities for registered workers shall be met from a separate fund called Dock Workers Welfare Fund which shall be maintained by the Board. Contributions to this Fund shall be made by all registered employers at such rate as may be determined by the Board. The Board shall frame rules for contributions to, maintenance and operation of, the Fund.

**55. Penalties.**—A contravention of clause 39 shall be punishable with imprisonment for a period not exceeding three months in respect of a first contravention or six months in respect of any subsequent contravention or with fine not exceeding five hundred rupees in respect of a first contravention or one thousand rupees in respect of any subsequent contravention, or with both imprisonment and fine as aforesaid.

#### SCHEDULE I

[See Clause 2(2)]

*Classes or descriptions of dock work and dock workers to which the Scheme applies*

(1) Stevedoring work including handling of passenger baggage and mail stowed in the holds but excluding coal work.

(2) The following categories of stevedore workers:—

- (a) Foreman (Serang).
- (b) Tindal.
- (c) Winchman.
- (d) Stevedore Mazdoor.

[No. Fac.180(2)/58.]

New Delhi, the 7th June 1958

**S.O. 1057.**—The following draft of a scheme for the Port of Vizagapatam which the Central Government proposes to make in exercise of the powers conferred by section 3 and Sub-Section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by

the said sub-section for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after the 5th August, 1958.

2. Any objection or suggestion which may be received from any person with respect to the said draft before the date specified above will be considered by the Central Government.

### *Draft Scheme*

## **THE VIZAGAPATAM DOCK WORKERS (REGULATION OF EMPLOYMENT) SCHEME, 1958.**

1. *Name of the Scheme.*—The Scheme may be called the Vizagapatam Dock Workers (Regulation of Employment) Scheme, 1958 (hereinafter referred to as “the Scheme”).

2. *Objects and application.*—(1) The objects of the Scheme are to ensure greater regularity of employment for dock workers and to secure that an adequate number of dock workers is available for the efficient performance of dock work.

(2) The Scheme relates to the Port of Vizagapatam and applies to the classes or descriptions of dock work and dock workers set out in Schedule I:

Provided that the Scheme shall not apply to any dock worker unless he is employed or registered for employment as a dock worker.

(3) The Scheme shall apply to registered dock workers and registered employers.

(4) Nothing in this Scheme shall apply to any class or description of dock work or dock workers in the Indian Naval Dockyard, Vizagapatam.

3. *Interpretations.*—In this Scheme, unless there is anything repugnant in the subject or context—

- (a) “Act” means the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948);
- (b) “Administrative Body” means the Administrative Body appointed under clause 5;
- (c) “Board” means the Vizagapatam Dock Labour Board constituted under clause 4;
- (d) “Chairman” means the Chairman of the Dock Labour Board;
- (e) “Executive Officer” means the Executive Officer appointed by the Dock Labour Board under clause 6;
- (f) “daily worker” means a registered dock worker who is not a monthly worker;
- (g) “dock employer” means the person by whom a dock worker is employed or is to be employed and includes a group of dock employers formed under clause 14(1) (e);
- (h) “dock work” means operations at places or premises to which the Scheme relates, ordinarily performed by dock workers of the classes or descriptions to which the Scheme applies;
- (i) “employers register” means the register of dock employers maintained under the Scheme;
- (j) “Labour Officer” means the Labour Officer appointed by the Administrative Body under clause 12;
- (k) “monthly worker” means a registered dock worker who is engaged by a registered employer or a group of such employers on monthly basis under a contract which requires for its termination at least one month’s notice on either side;
- (l) “register or record” means the register or record of dock workers maintained under the Scheme;
- (m) “registered dock worker” means a dock worker whose name is for the time being entered in the register or record;
- (n) “registered employer” means a dock employer whose name is for the time being entered in the employers’ register;
- (o) “reserve pool” means a pool of registered dock workers who are available for work, and who are not for the time being in the employment of a registered employer or a group of dock employers as monthly workers;

- (p) "vessel" means an ocean going vessel or ship whose gross registered tonnage is not less than 350 tons;
- (q) "week" means the period commencing from mid-night of Saturday and ending on the mid-night of the next succeeding Saturday.

4. *Vizagapatam Dock Labour Board—Constitution of.*—(1) The Central Government shall, by notification in the Official Gazette, constitute a Board to be called the "Vizagapatam Dock Labour Board" which shall, subject to the provisions hereinafter contained, be responsible for the administration of the Scheme.

(2) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall by the said name sue and be sued.

(3) The Board shall consist of not less than nine members to be appointed by the Central Government and shall include an equal number of members representing—

- (i) the Central Government,
- (ii) the dock workers, and
- (iii) the employers of dock workers and shipping companies.

(4) The Chairman of the Board shall be nominated by the Central Government from among the members representing the Government, and the Vice-Chairman of the Board shall be elected by the members of the Board from among themselves.

(5) The persons representing respectively the dock workers and the employers shall be appointed after consulting such Associations of persons as appear to the Central Government to be representative of such workers and such employers.

(6) There shall be paid to the non-official members of the Board such salaries, fees and allowances as may, subject to the approval of the Central Government be, determined by the Board, from time to time.

(7) (a) A member other than a member representing the Central Government shall hold office for a period of three years from the date of the notification appointing him as a member and shall be eligible for re-appointment,

Provided that an outgoing member shall continue in office until the appointment of his successor is notified in the Official Gazette:

Provided further that a member appointed to fill a casual vacancy shall hold office for the unexpired portion of the term of the person in whose place he is appointed.

(b) A member representing the Central Government may be appointed either by name or by virtue of his office. Every such member shall hold office during the pleasure of the Central Government.

(c) A member other than a member representing the Central Government may resign his office by letter under his hand addressed to the Chairman.

(d) If a member proposes to proceed out of India, he shall, before doing so intimate to the Chairman, the proposed date of his departure from and of his return to, India and, if he intends to be absent from India for a period exceeding six months, he shall tender his resignation.

(e) A member shall be deemed to have vacated his office:—

- (i) If he proceeds out of India without complying with the provisions of sub-clause (d); or
- (ii) If he becomes insolvent; or
- (iii) If he is convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or
- (iv) If he is absent from three consecutive ordinary meetings of the Board without leave of absence from the Chairman; or
- (v) If, in the opinion of the Central Government, a member who was appointed to represent dock workers or employers of dock workers and shipping companies ceases to be representative of dock workers or their employers or the shipping companies, as the case may be; or

- (vi) If, in the opinion of the Central Government, it is for any other reason not desirable that he should continue to be a member;

every vacancy under this sub-clause shall be notified in the Official Gazette.

(f) If, on a report from the Chairman and after such enquiry as it may deem necessary, the Central Government is of opinion that a body or association which is represented on the Board has acted or is acting in a manner prejudicial to the working of the Scheme or to the attainment of its objective, it may by order suspend the representation of that body or association until such time or for such period as may be specified in such order.

(8) The quorum for and the procedure at meetings of the Board shall be such as the Board may from time to time determine.

(9) If any question arises for the decision of the Board, it shall be decided by vote of the majority of the members present and voting, and in case of equality of votes, the Chairman shall have a second or a casting vote.

(10) The Chairman may invite any person to be present at any meeting and to participate in the discussion but such person shall not be entitled to vote.

5. *Administrative Body*.—(1) The Central Government may, by notification in the Official Gazette, appoint the Vizagapatam Stevedores' Association or *any other authority* to be the Administrative Body for the purpose of carrying on the day-to-day administration of the Scheme.

(2) The Administrative Body shall, subject to the provisions of clause 44, carry on the day-to-day administration of the Scheme.

(3) The Central Government may, for sufficient cause, remove any Administrative Body appointed under sub-clause (1):

Provided that the Administrative Body shall not be removed unless it has been given a reasonable opportunity of being heard.

6. *Executive Officer*.—The Board may appoint an Executive Officer and such other officers and servants as it deems necessary and pay them such salaries and allowances and prescribe such terms and conditions of service as it deems fit:

Provided that no post the maximum salary of which exclusive of allowance is Rs. 500 or more per mensem shall be created and no appointment to such post shall be made by the Board except with the previous approval of the Central Government:

Provided further that the sanction of the Central Government shall not be necessary to any appointment in a leave vacancy of a duration of not more than one month.

7. *Functions of the Board*.—(1) The Board may take such measures as it may consider desirable for furthering the objects of the Scheme including measures for—

- (a) ensuring the adequate supply and the full and proper utilisation of the dock labour for the purpose of facilitating the rapid and economic turnaround of vessels and the speedy transit of goods through the Port;
- (b) regulating the recruitment and entry into and the discharge from the Scheme of dock workers and the allocation of registered dock workers in the reserve pool to registered employers;
- (c) determining and keeping under review, in consultation with the Administrative Body, the number of registered employers and registered dock workers from time to time on the registers or records and the increase or reduction to be made in the numbers in any such register or record;
- (d) keeping, adjusting and maintaining the employers' registers, entering or re-entering therein the name of any dock employer and, where circumstances so require, removing from the register the name of any registered employer, either at his own request or in accordance with the provisions of the Scheme;



- (e) keeping, adjusting and maintaining from time to time such registers or records, as may be necessary, of dock workers, including any registers or records of dock workers who are temporarily not available for dock work and whose absence has been approved by the Administrative Body and, where circumstances so require, removing from any register or record the name of any registered dock worker either at his own request or in accordance with the provisions of the Scheme;
- (f) the grouping or regrouping of all registered dock workers into such groups as may be determined by the Board after consultation with the Administrative Body and thereafter reviewing the grouping of any registered dock worker on the application of the Administrative Body or of the registered dock worker;
- (g) making provision for the training and welfare of registered dock workers including medical services in so far as such provision does not exist apart from the Scheme;
- (h) levying and recovering from registered employers, contributions in respect of the expenses of the Scheme;
- (i) making provision for health and safety measures in places where dock workers are employed in so far as such provision does not exist apart from the Scheme;
- (j) maintaining and administering the Dock Workers Welfare Fund and recovering from all registered employers contribution towards the Fund in accordance with the rules of the Fund framed under clause 53;
- (k) maintaining and administering a Provident Fund and a Gratuity Fund for registered dock workers in the Reserve Pool;
- (l) borrowing or raising money and issuing debentures or other securities and, for the purpose of securing any debt or obligation, mortgaging or charging all or any part of the property of the Board.

(2) The income and property of the Board from whatever source derived shall be applied solely towards the objects of the Scheme including health, safety, training and welfare measures for dock workers and no portion thereof shall be paid or transferred directly or indirectly by way of dividend bonus, or otherwise by way of benefit to the members of the Board, provided that nothing herein shall prevent the payment of reasonable and proper remuneration and expenses to any officer or servant of the Board or to any member of the Board in return for any services actually rendered to the Board, nor prevent the payment of interest at a reasonable rate on money lent or reasonable and proper rent for premises demised or let, by any member to the Board.

(3) The Board shall cause proper accounts to be kept of the cost of operating the Scheme and of all receipts and expenses under the Scheme.

(4) The Board shall submit to the Central Government an annual report on the working of the Scheme, an audited balance sheet and copies of proceedings of the meetings of the Board.

8. *Responsibilities and duties of the Board in meeting.*—The Board in meeting shall be responsible for dealing with all matters of policy and in particular may:—

- (a) fix the number of workers to be registered under various categories;
- (b) increase or decrease the number of workers in any category on the register from time to time as may be necessary after a periodical review of the registers and anticipated requirements;
- (c) sanction the temporary registration of a specified number of workers in any category for a specified period;
- (d) consider registration of new employers on the recommendation of the Chairman;
- (e) prescribe forms, records, registers, statements and the like required to be maintained under the Scheme;
- (f) determine the wages, allowance and other conditions of service, and re-fix the guaranteed minimum wages in a month after annual review;
- (g) fix the rate of levy under clause 51(1);
- (h) fix the rate of contribution to be made by registered employers to the Dock Workers Welfare Fund;

- (i) appoint, abolish or reconstitute Committees under clause 35;
- (j) Sanction the Annual Budget;
- (k) appoint the Executive Officer;
- (l) subject to the provisions of clause 6, sanction the creation of posts the maximum salary of which exclusive of allowances is not less than Rs. 250 per mensem and make appointments to such posts.
- (m) make recommendations to the Central Government about changes in Schedule I;
- (n) make recommendations to the Central Government about any modifications in the Scheme;
- (o) endeavour to settle disputes about which a request for adjudication has been made to the Central Government by the parties concerned and report to the Government the results of such endeavours;
- (p) discuss statistics of output of labour and turn-round of ships and record its observations and directions; and
- (q) sanction the opening of accounts in such scheduled Banks as it may direct and the operation of such accounts by such persons as the Board may from time to time direct.

9. *Responsibilities and duties of Chairman.*—(1) The Chairman shall have full administrative and executive powers to deal with all matters relating to the day-to-day administration of the Scheme and in particular:—

- (a) to ensure that the decisions of the Board in regard to the adjustment of the workers' registers are carried out expeditiously;
- (b) to ensure that the sanctions for temporary registration of workers are carried out without delay;
- (c) (i) to supervise and control the working of the Administrative body.
- (ii) to take suitable steps if any irregularities are detected by him or brought to his notice;
- (d) to ensure that proper and adequate supervision is provided by the registered employers over the workers employed on their ships;
- (e) to ensure that the provisions of the Scheme in regard to transfer and promotion of workers are carried out;
- (f) to constitute Medical Boards when required;
- (g) to ensure that conditions, laid down in the Scheme, for the registration of employers are complied with by them;
- (h) to ensure that all forms, registers, returns and documents, prescribed under the Scheme, are properly maintained;
- (i) to ensure that suitable statistics in regard to the output of labour and the turn-round of ships are compiled and placed before the Board every quarter with appropriate remarks and explanations;
- (j) to sanction the creation of posts the maximum salary of which exclusive of allowances is below Rs. 250 per month and to make appointments to such posts;
- (k) to take disciplinary action against workers and employers in accordance with the provisions of the Scheme;
- (l) to allow relaxation in the maximum number of shifts per worker per week or per month, and to report such cases to the Board;
- (m) to declare that there has been a 'go-slow' and to take action as authorised under the Scheme;
- (n) to declare a 'state of emergency' and to take action as authorised under the Scheme;
- (o) to make a report, when necessary, to the Central Government under clause 4(7) (g);
- (p) to sanction the transfer of a monthly worker to the reserve pool at the request of the employer or the worker, as provided for in the Scheme;
- (q) to deal with appeals under clauses 47 and 48; and
- (r) to discharge all other duties and responsibilities specifically vested in the Chairman under the Scheme.

(2) The Chairman may delegate in writing to the Executive Officer any of the functions under sub-clause (1) above excepting those mentioned in items (j), (l), (m), (n), (o), (q) and (r). Such delegation, however, shall not divest the Chairman of his powers.

10. *Responsibilities and duties of the Executive Officer.*—The Executive Officer shall be a whole time Officer of the Board and shall assist the Chairman in the discharge of his functions and in particular shall:—

- (a) discharge all functions relating to disciplinary action against registered employers and dock workers to the extent permitted under clause 44;
- (b) exercise such other functions as are delegated to him in writing by the Chairman.

11. *Functions of the Administrative Body.*—Without prejudice to the powers and functions of the Board, the Chairman and the Executive Officer, the Administrative Body shall be responsible for the administration of the Scheme and shall in particular be responsible for:—

- (a) keeping, adjusting and maintaining the employers' register, entering or re-entering therein the name of any dock employer and, where circumstances so require removing from the register the name of any registered employer, either at his own request or in accordance with the provisions of the Scheme;
- (b) keeping, adjusting and maintaining from time to time such registers or records as may be necessary, of dock workers, including any registers or records of dock workers who are temporarily not available for dock work and whose absence has been approved by the Administrative Body and where circumstances so require, removing from any register or record the name of any registered dock worker either at his own request or in accordance with the provisions of the Scheme;
- (c) the employment and control of registered dock workers available for work when they are not otherwise employed in accordance with the Scheme;
- (d) the grouping or re-grouping of registered dock workers in accordance with the instructions received from the Board in such groups as may be determined by the Board;
- (e) the allocation of registered dock workers in the reserve pool who are available for work to registered employers and for this purpose the Administrative Body shall:—
  - (i) be deemed to act as an agent for the employer,
  - (ii) make the fullest possible use of registered dock workers in reserve pool.
  - (iii) keep the record of attendance at call stands or control points or registered dock workers,
  - (iv) provide for the maintenance of the records of employment and earnings,
  - (v) subject to the allotment of work by rotation under clause 28(3), allocate workers in accordance with clauses 18 and 29, and
  - (vi) make necessary entries in the Attendance and Wage Cards of workers in the reserve pool as laid down in clause 26;
- (f) (i) the collection of levy, contribution to the Dock Workers Welfare Fund or any other contribution from the employers as may be prescribed under the Scheme;
- (ii) the collection of workers' contribution to the Provident Fund, Insurance Fund or any other fund which may be constituted under the Scheme;
- (iii) the payment as agent of the registered employer to each daily worker of all earnings properly due to the worker from the employer and the payment to such workers of all monies payable by the Board to those workers in accordance with the provisions of the Scheme;
- (g) appointing, subject to budget provision, such officers and servants from time to time as may be necessary;

Provided that appointments to posts the maximum salary of which exclusive of allowances is not less than Rs. 250 per month shall be subject to clauses 8(1) and 9(1) (j);

- (h) the keeping of proper accounts of the cost of operating the Scheme and of all receipts and expenses under it and making and submitting to the Board an annual report and audited balance-sheet;
- (i) the framing of budget annually and for getting it approved by the Board;
- (j) maintaining complete service records of all registered dock workers; and
- (k) such other functions as may from time to time, subject to the provisions of the scheme, be assigned to it by the Board or the Chairman.

12. *Labour Officer*.—The Administrative Body when it consists of employers of dock workers shall appoint a Labour Officer or Labour Officers with the approval of the Board. The Labour Officer shall under the supervision and control of the Administrative Body, carry out such functions as may be assigned to him by that Body consistent with the provisions of the Scheme.

13. *Officers appointed by the Central Government for proper working of the Scheme*.—(1) Notwithstanding the provisions of clause 5, 6 and 11, the Central Government may in its discretion appoint from time to time, in consultation with the Chairman of the Board, one or more officers and entrust to such officer or officers such functions as it may deem fit for the proper working of the Scheme.

(2) Such officer or officers shall be subject to the general supervision and control of the Chairman and be paid from the funds of the Board. He/they shall hold office for such period and on such terms and conditions as the Central Government may determine.

14. *Maintenance of Registers etc.*—(1) *Employers' Register*.—(a) There shall be a register of employers.

(b) In so far as the application of the Scheme to stevedore labour is concerned, every stevedore who is licensed by Vizagapatam Port at the time when the Scheme is put into operation shall be entitled to be registered under the Scheme but no such person shall be so entitled unless he applies for registration on or before the date fixed by the Board for the purpose.

(c) Persons other than those registered under sub-clause (b) shall not be registered as stevedores unless the Board considers it expedient and necessary to do so and in no case shall a person be registered until he has been licensed in that behalf by the Port Authority.

(d) The Board may, subject to such conditions as it may with the previous approval of the Central Government prescribe in this behalf, permit persons registered under item (b) or (c), to form one or more groups and each group so formed shall be treated as one employer only for employment of monthly workers;

**Provided that** the Board shall have power to make with the previous approval of the Central Government such alterations or modifications in the conditions prescribed, as it may deem necessary from time to time;

Provided further that the Board in its discretion may, if it is satisfied that any group of employers has failed to comply, in part or in full, with the conditions prescribed for the formation of such group, revoke the permission given, from such date as it may specify in this behalf and the said group shall stand dissolved from that date:

Provided further that before a group of employers is dissolved under the second proviso, it shall be given an opportunity to show cause why the proposed action should not be taken against it.

(2) *Workers' Registers*.—(a) The workers' registers shall be maintained in the forms prescribed by the Board for this purpose.

(b) The registers of stevedore workers shall be as under namely:—

- (i) *Monthly Register*.—Register of workers who are engaged by each stevedore on contract on monthly basis and who are known as monthly workers. This register may include a list of stevedore mazdoors known as leave reserve workers to fill in casual vacancies in gangs.

- (ii) *Reserve Pool Register.*—Register of workers other than those on the monthly register and known as Reserve Pool workers. This register shall include a sub-pool of stevedore mazdoors to fill casual vacancies. The workers included in such a sub-pool shall be known as leave reserve workers.

15. *Classification of workers in Registers.*—(1) The Board shall arrange for the classification of workers by categories in the registers.

- (2) Dock workers registered under the Scheme shall be classified into:—

- (a) Deck Foreman.
- (b) Tindal.
- (c) Winchmen.
- (d) Tipper.
- (e) Signalman.
- (f) Stevedore Mazdoor (including trimmers).
- (g) Tally clerk.

16. *Fixation of number of workers on the Register.*—The Board shall in consultation with the Administrative Body determine, before the commencement of registration in any category, the number of workers required in that category.

17. *Registration of existing and new workers.*—(1) (a) Any stevedore mazdoor who on the date of the enforcement of the Scheme is already registered with the Vizagapatam Stevedores' Association shall be entitled to registration. But no such person shall be so entitled unless he applies for registration on or before the date fixed by the Board for this purpose.

(b) Registration of workers in a category other than that mentioned in item (a) shall be done from among workers who have been or were working in the Port on any such date as the Board may prescribe on this behalf and selection for registration shall be made as far as possible on the basis of seniority;

(c) The qualifications regarding age, physical fitness, capacity, experience and the like for new registration shall be such as may be prescribed by the Board but the age prescribed shall not exceed 40 years. Indian Nationals only shall be eligible for registration.

(d) Registration of workers in any new category shall be done from among workers who have been or were working in the Port on any such date as the Board may prescribe in this behalf and selection for registration shall be made as far as possible on the basis of seniority, i.e., in the order of the total period for which a dock worker has worked in that category provided that the worker is medically fit and is not more than 60 years of age.

(2) (i) Subject to items (ii) to (v) below, tally clerks, who are in the permanent employment of shipping companies or shipping agents or the stevedores on monthly salary basis on the date the Scheme comes into force shall not be registered but they can work without being registered.

(ii) Each employer of a permanent tally clerk shall supply to the Board a list showing the names and such other particulars as the Board may require, of tally clerks.

(iii) The strength of permanent tally clerks under an employer shall not be increased except with the previous approval of the Board, and if it is found necessary to fill the permanent vacancies in the strength of permanent tally clerks, these shall be filled by selection from reserve pool of tally clerks.

(iv) The Board may, subject to such conditions as it may specify, permit in its discretion registration of a permanent tally clerk in the reserve pool if a written request therefor is received from him.

(v) For work which cannot be done by permanent tally clerks, workers on the reserve pool register shall be employed through the registered employers.

(3) The following principles shall apply in respect of registration of Tally clerks, Foreman, Tindal, Winchman, Tipper and Signalman and other categories which may after the date of enforcement of the Scheme be included in Schedule 1:

- (a) Before a worker is registered in any of the above categories, the Board shall under clause 16 make a thorough investigation with a view to arriving at an estimate of the number of workers in that category that are likely to be required out of all the *bona fide* workers in that category who may then be working in the docks.

- (b) There shall be a provisional registration based on the anticipated requirements and the mere fact that a worker has been working before in the port shall not automatically entitle him to registration.
  - (c) After the provisional registration has been completed, the booking rotation shall start without allowing, at that stage, any financial benefits other than wages which accrue to registered workers under the Scheme.
  - (d) A reassessment of the requirements shall be made after six months in the light of the actual employment obtained by workers provisionally registered and the provisional registration shall then be adjusted accordingly. The payment of attendance allowance under clause 31 only shall commence from that time.
  - (e) The working under these conditions shall be examined after a year of the introduction of the rotational booking with a view to fixing the number of days for which the guaranteed minimum wages under clause 30, should be paid. From then onwards the workers will be entitled to all the benefits under the Scheme.
  - (f) The minimum number of days in a month for which wages are guaranteed under clause 30 to categories of workers previously registered shall not automatically be claimed by workers of the categories to be registered after the date of enforcement of the Scheme. Such minimum number of days may vary from category to category as determined under item (e) above.
  - (g) The wages of the workers in categories which may be registered after the date of enforcement of the Scheme, shall be such as may be fixed by the Board from time to time.
- (4) The Board may from time to time permit the registration of workers temporarily for such periods and on such terms and conditions of service as the Board may specify:

Provided that the workers registered temporarily shall be entitled to attendance allowance under clause 31 and shall have the same obligations as registered dock workers in the reserve pool.

(5) Any fresh recruitment, whether on a temporary or permanent basis, in any category in which dock workers have already been registered under the Scheme shall be done from amongst workers registered with the local Employment Exchange. If, however, the requirement exceeds the number of suitable men available on the register of the Employment Exchange on the day of the requisition, direct recruitment, after absorbing suitable men from the Employment Exchange register, may be made.

(6) New workers registered under item (b) of sub-clause (1) will be on probation for a period of three months before being placed on a permanent basis on the registers.

(7) Notwithstanding any other provision of the Scheme, where the Board is of opinion that a dock worker has secured his registration by furnishing false information in his application or by withholding any information required therein, or where it appears that a worker has been registered improperly or incorrectly, the Board in meeting may direct the removal of his name from the registers:

Provided that before giving any such direction the Board shall give him an opportunity of showing cause why the proposed direction shall not be issued.

18. *Promotion and Transfer of Workers.*—(1) A vacancy, other than a casual vacancy, in any category of workers in a reserve pool register shall ordinarily be filled by promotion of a worker from the next lower category.

(2) A vacancy, other than a casual vacancy, in any category of monthly workers may be filled only by promotion from lower categories of monthly workers of the same employer or group of employers or, if no person is suitable for promotion from lower categories of monthly workers of the same employer or group of employers, by transfer of a worker in the same or a superior category from the reserve pool who may be selected by a registered employer or a group of employers.

*Explanation.*—The criteria for promotion shall ordinarily be :—

- (a) seniority,
- (b) merit and fitness for work in the category to which promotion is to be made, and
- (c) record of past service.

NOTE.—A transfer from the reserve pool register to the monthly register in the same category or *vice-versa* shall not be deemed a promotion.

(3) The Chairman or the Executive Officer may for sufficient and valid reasons allow the transfer of a monthly worker to the reserve pool on a request in writing of the employer or the worker explaining fully the reasons for the transfer, provided that such transfer shall be subject to the fulfilment of any contract subsisting between the monthly worker and his employer regarding termination of employment. No transfer shall take place without the prior approval of the Chairman or the Executive Officer.

(4) If the services of a monthly worker are terminated by an employer for an act of indiscipline or misconduct he may apply to the Board for employment in the reserve pool. The Executive Officer on behalf of the Board shall then decide on the merits of the case whether or not the worker should be employed and if so, whether in the same or a lower category.

(5) If a monthly worker is transferred to or employed in the reserve pool under sub-clause (3) or sub-clause (4) as the case may be, his previous service shall be reckoned for all benefits in the reserve pool and the employer shall transfer to the Board all benefits that have accrued to the worker in respect of his previous service as if such service had not been transferred. The employer shall in particular contribute to the Board such amount as may be appropriate towards the worker's leave, Provident Fund or gratuity that may be due to him on the date of such transfer.

19. *Medical Examination.*—(1) A new worker before registration shall undergo, free of charge, a medical examination for physical fitness by a Medical Officer nominated by the Chairman for this purpose. A worker found medically unfit by a Medical Officer may apply in writing to the Chairman and simultaneously deposit with him such fees as may be prescribed in this behalf, for examination by a Medical Board. On receipt of such a request, the Chairman, shall set up a Medical Board. The decision of the Medical Board shall be final and worker who is medically unfit shall not be entitled to registration.

(2) If the Administrative Body deems it necessary, a worker shall undergo free of charge a medical examination by a Medical Board to be constituted by the Chairman. The Decision of the Medical Board shall be final. If a worker is found permanently unfit by the Medical Board the Chairman shall terminate his services forthwith.

20. *Facilities for Training.*—The Board shall make provision for training of suitable registered Workers in the duties of Winchmen or in any other duties like signalling, etc. that it may deem necessary.

21. *Registration Fee.*—A registration fee of rupees two shall be payable to the Board by each worker at the time of registration under the Scheme.

22. *Supply of cards.*—(1) Every registered worker shall be supplied, free of cost, with the following cards in the forms prescribed by the Board, namely :

- (i) Identity card,
- (ii) Attendance card, and
- (iii) Wage card.

(2) In case of loss of a card, a fresh card will be issued but the cost thereof which will be fixed by the Board, shall be payable by the worker concerned.

23. *"Service Records" for registered workers.*—A "Service Record" for every monthly and daily worker shall be maintained by the Administrative Body in a form to be prescribed by the Board which shall contain, among other things, a complete record of disciplinary actions taken against the worker, promotions, commendations for good work etc. Such details in respect of monthly workers shall be supplied to the Administrative Body by the registered employers.

24. *"Record Sheets" for registered employers.*—The Executive Officer shall maintain a "Record Sheet" in respect of each registered employer in a form to be prescribed by the Board which shall contain, among other things, a complete record of disciplinary actions taken against the registered employer.

25. *Surrender of Cards.*—A worker's card shall be surrendered to the Administrative Body in any of the following circumstances namely :—

- (a) When proceeding on leave, for three days or more;
- (b) When retiring from service;

- (c) When dismissed or discharged from service;
- (d) When temporarily suspended; or
- (e) On death.

Provided that the employer of a monthly worker will also surrender the card of the worker to the Administrative Body in the case of (a), (b), (c), (d) and (e) above.

26. *Entries in Attendance Card and Wage Card.*—(1) A registered dock worker in the reserve pool shall hand over his Attendance Card and Wage Card to the Administrative Body at the time he is allocated for work to a registered employer unless any of the cards has already been deposited with the said Body previously and has not been returned to the worker. The Administrative Body shall arrange to make the necessary entries in the Attendance Card and the Wage Card in respect of the period of work done by the worker and return them to him as soon as the entries have been made.

(2) A monthly worker shall hand over his Attendance Card and Wage Card to his employer at the time when he is allotted work on a ship unless any of the cards has already been deposited with the employer previously and has not been returned to the worker. The said employer shall make necessary entries in the cards in respect of the period of work done by the worker and return them to him as soon as the entries have been made.

27. *Employment of Workers.*—(1) A monthly worker of a particular category attached to a registered employer or a group of employers shall be entitled to be employed for work in that category by that employer or group of employers in preference to any worker of the same category in the reserve pool.

(2) If the number of workers on the monthly register in a particular category is not sufficient for the work available, the workers on the reserve pool register in that category shall be employed.

(3) A monthly worker of one employer or a group of employers shall not be employed by another employer or group of employers, except with the previous approval of the Chairman or the Executive Officer.

28. *Employment in shifts.*—(1) Workers shall be employed in shifts.

(2) (a) A worker shall not ordinarily be employed in two consecutive shifts nor shall a worker be employed in two consecutive shifts on each of two successive days. In no case shall a worker be employed in three consecutive shifts.

(b) A worker in the reserve pool shall not be employed for more than 8 shifts in a week or 30 shifts in a month.

(c) Normally, a monthly worker shall not be employed for more than 6 shifts in a week or 27 shifts in a month but when a worker in the reserve pool who has not reached the maximum limit of employment defined in item (b) above is not available, a monthly worker may be employed up to 8 shifts in week or 30 shifts in a month.

(d) In special circumstances, the Chairman may relax temporarily the restrictions under items (b) and (c) to the extent necessary.

(e) Workers working more than one shift in a day will be entitled to the normal rate of wages for work in each shift.

(3) Workers of each category on the reserve pool register shall be allotted work by rotation.

(4) Where work is carried on by a gang, the allotment of workers by rotation shall be by gangs.

29. *Filling up of Casual Vacancies.*—Casual vacancies in the monthly and reserve pool registers in the categories of Tindal and Stevedore Mazdoor shall be filled up in the following manner :—

When a Tindal is absent the senior most Stevedore Mazdoor in the shift shall work as Tindal. The resultant vacancy shall be filled by leave reserve workers by rotational booking.

30. *Guaranteed Minimum Wages in a month.*—(1) A worker in the reserve pool register shall be paid wages at least for twelve days in a month at the wage rate, inclusive of dearness allowance, as prescribed by the Board appropriate to the category to which he permanently belongs, even though no work is found for him for the minimum number of twelve days in a month. The days on which



work is allotted to the worker shall be counted towards the *twelve* days mentioned above. The guaranteed minimum wages in a month shall be—

- (a) for the number of days for which wages are guaranteed in a month subject to the condition that the worker attended for work on all days of the month as directed by the Administrative Body; or
- (b) proportionate to the number of days on which the worker attended for work provided he was excused from attendance on all the remaining days of the month.

(2) Subject to the provisions of sub-clause (1), the minimum number of days in a month for which wages are guaranteed may be fixed by the Board for each year on the basis of the monthly average employment obtained by the workers in the reserve pool in the lowest category of stevedore workers during the preceding year until the minimum number of days reaches 21; provided that the number so fixed shall not, in any case, be less than the number in the preceding year.

**NOTE.**—The method of assessing the average employment is detailed in Schedule II.

(3) The minimum number of days for which wages shall be guaranteed under sub-clauses (1) and (2) above shall not automatically apply to workers in new categories that may be registered after the date of enforcement of the Scheme. The minimum number of days for which wages shall be guaranteed to these categories shall be determined under clause 17(3)(e). The annual re-fixation of the minimum number of days as under sub-clause (2) shall be done independently in their case also.

**Explanation.**—In sub-clauses (1), (2) and (3) of this clause a 'day' shall mean a shift.

**31. Attendance allowance.**—Subject to the other provisions of the Scheme, a worker on the reserve pool register who is available for work but for whom no work is found shall be paid attendance allowance at the rate of rupee one per day for the days on which during a calendar month he attended for work as directed by the Administrative Body and no work was found for him:

Provided that the Board may allow payment of attendance allowance at such higher rate not exceeding rupees two as it may deem necessary:

Provided further that no attendance allowance shall be payable for any day for which full wages, inclusive of dearness allowance, have been paid under clause 30 or otherwise or for which disappointment money is paid under clause 33.

**32. Employment for a shift.**—(1) No worker in the reserve pool register shall be employed for a period of less than a shift and where the work for which a worker has been engaged is completed during the working period of the shift he shall undertake such other work in or at the same or another vessel or berth as may be required by the same employer for the remainder of the period and if no such other work is made available to him, he shall be paid in the following manner:—

- (i) if he is engaged on time-rate basis he shall be paid the time-rate wage for the entire shift;
- (ii) if he is engaged on a piece rate basis he shall be paid in addition to the piece rate wages earned by him in that shift the calculated daily time-rate wage for the period he is rendered idle for want of work.

(2) Where a worker is allotted to a registered employer for work in a particular shift but the worker after reporting to the berth, is not engaged by the employer for the reason that the ship has not been berthed, he may be required to work for another employer in another ship berthed at the same place during that shift.

**23. Disappointment money.**—When a worker in the reserve pool presents himself for work and for any reason the work for which he has attended cannot commence or proceed and no alternative work can be found for him and he is relieved within 2 hours of his attending for work, he shall be entitled to disappointment money equal to half the time-rate wage inclusive of dearness allowance, appropriate to the category to which he belongs. A worker detained for more than 2 hours shall be paid full time-rate wages of dearness allowance.

34. *Holidays*.—Each worker shall be entitled in a year to 8 holidays with pay at such rates as may be prescribed by the Board under clauses 40 and 41 including all such days, which shall not exceed 6 in a year, as are declared by the Board as closed holidays. Any payment made under this clause shall be exclusive of the payment calculated under clause 30.

35. *Committees*.—The Board may appoint one or more committees to whom it may entrust such of its functions as it may deem necessary to facilitate compliance with the provisions of the Scheme and may abolish or reconstitute them as it may deem necessary. Persons who are not members of the Board may, if necessary, be nominated as co-opted members of a committee such co-opted members, however, shall not have any right of vote.

36. *Obligations of registered dock workers*.—(1) Every registered dock worker shall be deemed to have accepted the obligations of the Scheme.

(2) A registered dock worker in the reserve pool who is, available for work shall be deemed to be in the employment of the Board.

(3) A registered dock worker in the reserve pool who is available for work shall not engage himself for employment under a registered employer unless he is allocated to that employer by the Administrative Body.

(4) A registered dock worker in the reserve pool who is available for work shall carry out the directions of the Administrative Body and shall—

(a) report at such call stands or control points and at such times as may be specified by the Administrative body and shall remain at such call stands or control points—

(i) throughout the period of the shift, if instructed by the Administrative Body to that effect, on payment of such retention allowance as may be prescribed by the Board; or

(ii) for such period, not exceeding one hour, as may be specified; and

(b) accept any employment in connection with dock work, whether in the category in which he has been registered or in any other category for which he is considered suitable by the Administrative Body.

(5) A registered dock worker who is available for work when allocated by the Administrative Body for employment under a registered employer shall carry out his duties in accordance with the directions of such registered employer or his authorised representative or supervisor and the rules of the port or place where he is working.

37. *Obligations of registered employers*.—(1) Every registered employer shall accept the obligations of the Scheme.

(2) Subject to the provisions of clause 27 and the relaxation given in clause 17(2), a registered employer shall not employ a worker other than a dock worker who has been allocated to him by the Administrative Body in accordance with the provisions of clause 11(e).

(3) A registered employer shall, in accordance with arrangements made by the Administrative Body, submit all available information of his current and future labour requirements.

(4) A registered employer shall lodge with the Administrative Body, unless otherwise directed, particulars of the tonnage handled by workers on piece-rate and such other statistical data as may be required in respect of the registered dock workers engaged by him.

(5) (i) A registered employer shall pay to the Administrative Body in such manner and at such times as the Board may direct the levy payable under clause 51(1) and the gross wages due to daily workers.

(ii) A registered employer shall make payment as contributions to the Dock Workers Welfare Fund under clause 53.

(5) A registered employer shall keep such record as the Board may require, and shall produce to the Board or to such persons as may be designated by the Board upon reasonable notice all such records and any other document of any kind relating to registered dock workers and to the work upon which they have been employed and furnish such information relating thereto, as may be set out in any notice or directions issued by or on behalf of the Board.

38. *Restriction on employment*.—(1) No person other than a registered employer shall employ any workers on dock work nor shall a registered employer engage

subject to the exemption specified in clause 17(2), for employment or employ a worker on dock work unless that worker is a registered dock worker.

(2) Notwithstanding the foregoing provisions of this clause:—

(a) Where the Administrative Body is satisfied that—

(i) dock work is emergently required to be done; and

(ii) it is not reasonably practicable to obtain a registered dock worker for that work,

the Administrative Body may, subject to any limitations imposed by the Board, allocate to a registered employer a person who is not a registered dock worker. In selecting such workers the local Employment Exchange organisation shall, as far as possible, be consulted:

Provided that whenever unregistered workers have to be employed, the Administrative Body shall obtain, if possible, the prior approval of the Chairman to the employment of such workers, and where this is not possible shall report to the Chairman within 24 hours the full circumstances under which such workers were employed and the Chairman shall duly inform the Board of such employment at its next meeting;

(b) In the case referred to in item (a) the person so employed as aforesaid by a registered employer shall, for the purposes of clause 37(4), (5) (6) and clauses 40 and 41, be treated in respect of that dock work as if he were a daily worker.

(3) A registered worker in the reserve pool may, provided he fulfils fully his obligations under clause 36, take up occasional employment under employers other than those registered under the Scheme on those days on which he is not allocated for work by the Administrative Body.

39. *Circumstances in which the Scheme ceases to apply.*—(1) The Scheme shall cease to apply to a registered dock worker when his name has been removed from the register or record in accordance with the provisions of the Scheme.

(2) The Scheme shall cease to apply to a registered employer when his name has been removed from the employers' register in accordance with the provisions of the Scheme.

(3) Nothing in this clause shall affect any obligations incurred or right accrued during any time when the person was a registered dock worker or a registered employer.

40. *Wages, allowances and other conditions of service of certain classes of workers.*—Unless otherwise specifically provided for in the Scheme, it shall be an implied condition of the contract between a registered dock worker (whether in the reserve pool or on the monthly register) not being a worker to whom the provisions of clause 41 apply, and a registered employer that—

(a) the rates of wages, allowances and overtime, hours of work, rest interval, holidays and pay in respect thereof and other conditions of service shall be such as may be prescribed by the Board for each category of workers; and

(b) the fixation of wage periods, time for payment of wages and deductions from wages shall be in accordance with the provisions of the payment of Wages Act, 1936.

41. *Wages allowances and other conditions of service of Winchman, Tipper, Tindal and Stevedore Mazdoor.*—(1) Unless otherwise specifically provided for in the Scheme, it shall be an implied condition of the contract between a registered dock worker in the categories of Winchman, Tipper, Tindal and Stevedore Mazdoor, (whether in the reserve pool or on the monthly register) and a registered employer that the rates of wages, allowances and overtime, hours of work, rest intervals, holidays and pay in respect thereof and other conditions of service shall be such as may be prescribed by the Board for each category of Workers subject to the provisions of sub-clauses (2), (3), (4), (5), (6) and (7).

(2) The Board shall appoint a Committee consisting of representatives of registered employers, Shipping Companies workers and the Port Authority and a nominee of the Central Government to determine the norms for output in respect of cargoes of different kinds, and/or Lines and/or Zones. In fixing the norm the Committee should take into consideration the output during the last 3 years. Should the Committee, not be able to prescribe agreed norms within a period of two months of having been asked to do so, the Chairman of the Board may determine such norms and submit them to the Central Government for approval. These

norms shall be adopted as standard output acquired of workers. The same procedure shall be followed if and when a revision of the norms is considered necessary by the Board.

(3) The Board shall by regulations relate the wages earned by the actual output of workers. The regulations shall be submitted to the Central Government for approval before implementation.

(4) The regulations framed under sub-clause (3) shall *inter alia* provide for the following:

(i) A worker shall be entitled to the normal wage prescribed by the Board if he with the other members of his gang produces the standard output.

(ii) If the actual output of a gang is more or less than the standard output, the normal wage shall be enhanced or reduced in such proportion as may be determined by the Board:

Provided that the earnings of a worker shall in no case be lower than a guaranteed daily wage to be fixed by the Board from time to time subject to the condition that it shall not be less than 3/5th of the normal Wage.

(iii) A worker will be entitled to a time-rate wage, to be prescribed by the Board, for any period or periods for which loading and unloading may be held up for reasons beyond the worker's control, such as inclement weather, non-availability of cargo etc.

(iv) Notwithstanding the provisions of item (ii) a worker or a gang of workers who fails to produce the standard output in more than 50% of the shifts worked during a month shall be liable to disciplinary action for inefficiency.

(5) Should the Board fail to devise suitable regulations under sub-clause (3) the Central Government may direct the Board that a piece-rate Scheme approved by the Central Government should be adopted and the Board shall be bound to carry out the directions so given.

(6) A worker on the monthly register shall draw wages on a calculated daily time-rate basis for the days for which he is entitled to payment but is not allotted any work.

(7) The Board may, if necessary, enforce the provisions of sub-clauses (1) to (6) of this clause in such stages as may be approved by the Central Government.

(8) The fixation of wage periods, time for payment wages and deductions from wages shall be in accordance with the provisions of the Payment of Wages Act, 1936.

(9) Notwithstanding the provisions contained in sub-clauses (1) to (7) above, the Central Government may, if it so decides, set up such other body as it may deem fit for determining any or all of the matters referred to in the said sub-clauses and the decision of the Central Government on the recommendations of the said body shall be final and binding.

(10) The workers to whom this clause applies shall be governed by the provisions of clause 40 so long as—

(i) regulations have not been framed under sub-clause (3) and enforced, or

(ii) the Central Government has not issued a direction to the Board under sub-clause (5), or

(iii) the Central Government does not give any decision on the recommendations of the body under sub-clause (9).

42. *Pay in respect of unemployment and under-employment.*—(1) Subject to the conditions set out in this and the next following clause, when, in any wage period, a registered dock worker in the reserve pool is available for work but is not given employment or full employment, he shall be entitled to receive from the Board such amounts as may be admissible to him under clauses 30, 31 and 33.

(2) The conditions subject to which a registered dock worker is entitled to the said payment (if any) from the Board are that—

(a) he attended as directed at the call stands or control points, and

(b) his attendance was recorded.

43. *Disentitlement to payment.*—(1) A registered dock worker who, while in the reserve pool, fails without adequate cause to comply with the provisions of clause 36(4) (a) or (b), or fails to comply with any lawful order given to him by or on behalf of the Board, may be proceeded with in accordance with sub-clause (3).

(2) A registered dock worker in the reserve pool who, while in employment to which he has been allocated by the Administrative Body, fails without any adequate cause to comply with the provisions of clause 36(5) or fails to comply with any lawful orders given to him by his employer, may have his engagement terminated and may be returned to the reserve pool and, whether or not he is so returned, may be reported in writing to the Labour Officer. When a registered dock worker is so returned to the reserve pool, the Administrative Body shall endorse his attendance and Wage cards accordingly.

(3) The Labour Officer shall consider any matter arising under sub-clause (1) or (2) and if, after investigating the matter, he notifies the registered dock worker that he is satisfied that the registered dock worker has failed to comply with a lawful order as aforesaid, the registered dock worker shall not be entitled to any payment, or to such part of any payment under clause 42 as the Labour Officer thinks fit in respect of the wage period in which such failure occurred or continues.

44. *Disciplinary procedure.*—(1) (i) The Executive Officer on receipt of the information whether on a complaint or otherwise, that a registered employer has failed to carry out the provisions of the Scheme may after investigating the matter, give him a warning in writing, or

(ii) take any of the following steps as regards that employer, that is to say, he may—

- (a) censure him and record the censure in his record sheet; or
- (b) subject to the approval of the Board and after one month's notice in writing given to the Board and after one month's notice in writing given to the registered employer, inform the Administrative Body that the name of the employer shall be removed from the employers' register for such period as determined by the Board, or permanently in case of grave offence.

(2) A registered dock worker in the reserve pool, who fails to comply with any of the provisions of the Scheme, or commits any act of indiscipline or misconduct, may be reported in writing to the Labour Officer who may after investigating the matter take any of the following steps as regards that worker, that is to say, he may—

- (a) determine that, for such period as he thinks proper, that worker shall not be entitled to any payment or part payment under clause 42;
- (b) give him a warning in writing, or
- (c) suspend him without pay for a period not exceeding three days.

(3) (a) Where in a case reported to the Labour Officer under sub-clause (2) he is of opinion that the act of indiscipline or misconduct is so serious that the worker should not be allowed to work any longer the Labour Officer may, pending investigation of the matter, suspend the worker and report immediately to the Executive Officer, who after preliminary investigation of the matter shall pass orders thereon whether the worker, pending final orders, should remain suspended or not;

(b) where a worker has been suspended by an order under item (a), he shall be paid for each day of suspension a subsistence allowance equivalent to the attendance allowance provided in clause 31 or one fourth of his daily wage including dearness allowance, whichever is greater; provided that for the period of suspension in excess of a month, the Chairman may, in exceptional cases, grant a higher subsistence allowance not exceeding half the total daily wage including dearness allowance;

(c) the subsistence allowance so paid shall not be recoverable or liable to forfeiture in any case whatsoever;

(d) where a worker is found not guilty he shall be entitled to such payments as the Administrative Body certifies that the worker would have received on the time rate basis or under clause 31 had he not been suspended provided that the amounts so payable shall be reduced by the amount of subsistence allowance payable or already paid during a particular period.

(4) Where, in the opinion of the Labour Officer, a higher punishment than that provided in sub-clauses (2) and (3) is merited, he shall report the case to the Executive Officer.

(5) On receipt of the written report from the Labour Officer under sub-clause (4) or from the employers or any other person that a registered dock worker in reserve pool has failed to comply with any of the provisions of the Scheme or has committed an act of indiscipline or misconduct, or has consistently failed to produce the standard output or has been inefficient in any other manner, the Executive Officer may make or cause to be made such further investigation as he may deem fit, and thereafter take any of the following steps, as regards the worker concerned, that is to say, he may impose any of the following penalties:

- (a) determine that, for such period as he thinks proper, the worker shall not be entitled to any payment or part payment under clause 42.
- (b) give him a warning in writing;
- (c) suspend him without pay for a period not exceeding three months;
- (d) terminate his services after giving 14 days' notice or 14 days' wages inclusive of dearness allowance in lieu thereof, or
- (e) dismiss him.

(6) Before any action is taken under this clause the persons concerned shall be given an opportunity to show cause why the proposed action should not be taken against him.

(7) The Administrative Body shall be informed simultaneously about the action taken under this clause.

(8) Notwithstanding anything contained in clause 43 and 44, the powers vested in the authority specified in column (1) of the Table below under the provisions specified in column (2) of the said Table, shall also be exercisable by the authority specified in the corresponding entry in column (3) in such cases as the last named authority may specify in writing in this behalf.

TABLE

Authority empowered to take action (1)	Power given under (2)	Authority empowered to take action in specified cases (3)
1. Labour Officer . . . . .	Clauses 43, 44 .	Administrative Body.
2. Executive Officer . . . . .	Clause 44 .	Chairman.

45. *Special Disciplinary powers of the Chairman of the Board.*—(1) Notwithstanding anything contained in the Scheme, if the Chairman is satisfied that a 'go-slow' has been resorted to by any gang of registered dock workers or by any such individual worker and is being continued or repeated by the same gang or worker or different gangs or workers on the same or different ships, he may make a declaration in writing to that effect:

(2) When a declaration under sub-clause (1) has been made, it shall be lawful for the Chairman:—

- (i) in the case of monthly workers, to take without prejudice to the rights of the registered employers, such disciplinary action (including dismissal) against such workers, as he may consider appropriate; and
  - (ii) in the case of registered dock workers in the reserve pool, to take such disciplinary action (including dismissal) against such workers as he may consider appropriate and also to order forfeiture of their guaranteed minimum wages and attendance allowance for the wage period or periods in which the 'go-slow' has been resorted to.
- (3) The Chairman may take disciplinary action:—
- (i) where the 'go-slow' is resorted to by a gang, against all the members of the gang; and
  - (ii) where the 'go-slow' is resorted to by a worker, against the worker concerned.

(4) Before any disciplinary action is taken under this clause against any worker or any gang of workers, such worker or gang shall be given an opportunity to show cause why the proposed action should not be taken against him or it:

Provided that the Chairman may, before giving an opportunity to show cause under this sub-clause, suspend from work any worker or gang of workers immediately after a declaration has been made under sub-clause (1).

(5) A declaration by the Chairman of the Board that a 'go-slow' has been resorted to by a worker or a gang of workers shall be final and shall not be liable to be questioned on any ground or in any manner whatsoever.

46. *Termination of Employment.*—(1) The employment of a registered dock worker in the reserve pool shall not be terminated except in accordance with the provisions of the Scheme.

(2) A registered dock worker in the reserve pool shall not leave his employment with the Board except by giving fourteen days' notice in writing to the Board or forfeiting fourteen days' wages inclusive of dearness allowance in lieu thereof.

(3) When the employment of a registered dock worker with the Board, has been terminated under sub-clause (1) or (2) above, his name shall forthwith be removed from the register or record by the Administrative Body.

47. *Appeal by workers.*—(1) Save as otherwise provided in this clause, a worker in the reserve pool who is aggrieved by an order passed by an authority specified in column (1) of the table below, under the provisions specified in column (2) of the said table, may prefer an appeal against such order to the authority specified in the corresponding entry in column (3) of the said table.

TABLE

Authority passing order	Order made under	Appellate Authority
1	2	3
Labour Officer . . . . .	Clause 43 or 44	Executive Officer
Administrative Body . . . . .	Clause 43 or 44	Executive Officer
Executive Officer . . . . .	Clause 44	Chairman
Chairman . . . . .	Clause 44	Central Government

(2) A worker who is aggrieved by an order:—

(i) placing him in a particular group in the register or record; or

(ii) refusing registration under clause 17; or

(iii) requiring him under clause 36(4)(b) to undertake any work which is not of the same category to which he belongs;

may prefer any appeal to the Chairman.

(3) A dock worker who is aggrieved by an order under clause 18(4) may prefer an appeal to the Chairman.

(4) No appeal shall lie where due notice has been given of the removal of the name of a registered worker from the register or record in accordance with the instructions of the Board, if the ground of removal is that the registered dock worker falls within a class or description of dock workers whose names are to be removed from the register or record in order to reduce the size thereof:

Provided that an appeal shall lie to the Chairman where the registered dock worker alleges that he does not belong to the class or description of dock workers referred to in the instructions of the Board.

(5) Every appeal referred in sub-clause (1), (2), (3) or (4) shall be in writing and preferred within 14 days of the date of receipt of the order appealed against; and the order passed on such appeal shall be final:

Provided that the appellate authority may for reasons to be recorded admit an appeal preferred after the expiry of 14 days.

(6) An appellant shall not be entitled to be represented by a legal practitioner before the appellate authority but he shall be entitled to be represented by a representative of the registered trade union of which he is a member or by a registered dock worker.

48. *Appeals by employers.*—(1) A registered employer who is aggrieved by an order of the Executive Officer under clause 44 may appeal to the Chairman. The order of the Chairman on an appeal against an order under clause 44(1) (i) and 44(1) (ii) (a) shall be final and there shall be no further appeal against it. In the case of an appeal against an order under clause 44(1) (ii)(b), the Chairman shall forthwith refer the matter to the Central Government. The Central Government shall make such order thereon as it thinks fit.

(2) A stevedore who has been refused registration under clause 14(1)(c) may appeal to the Central Government through the Chairman. The order of the Central Government shall be final and there shall be no further appeal against it.

(3) If a registered employer is aggrieved by an original order of the Chairman against him under clause 44, he may prefer an appeal to the Central Government. The Central Government shall make such order on the appeal as it thinks fit.

(4) Every appeal referred to in sub-clauses (1), (2) and (3) shall be in writing and preferred within 14 days of the receipt of the order appealed against:

Provided that the appellate authority may for reasons to be recorded admit an appeal preferred after the expiry of 14 days.

(5) An appellant shall not be entitled to be represented by a legal practitioner before the appellate authority but he shall be entitled to be represented by a representative of the association of registered employers of which he is a member or by a registered employer.

49. *Stay or order in case of certain appeals.*—Where an appeal is lodged by a worker in accordance with the provisions of clause 47 against an order of termination of service on 14 days' notice or where an appeal is lodged by an employer in accordance with the provisions of clause 48 against an order removing his name from the employers' register under clause 44(1) (ii) (b), the appellate authority may suspend the operation of the order appealed from pending the hearing and disposal of the appeal.

50. *Special provisions for action in an emergency.*—(1) If at any time the Chairman is satisfied that an emergency has arisen which will seriously affect the working of the port, he may, by order in writing and for such period as he may from time to time specify therein, make a declaration to that effect:

Provided that no such declaration shall be made except with the previous approval of the Central Government.

(2) So long as an order under sub-clause (1) is in force, the following provisions shall apply, namely:—

- (i) If any allegation is made that a registered employer has failed to carry out the provisions of the Scheme, the Chairman may, after holding a summary inquiry into the allegation, take any of the following steps as regards that employer, that is to say, he may—
  - (a) give the registered employer a warning in writing, or
  - (b) direct that the name of the registered employer shall be removed forthwith from the employers' register either permanently or for such period as he may determine.
- (ii) If any allegation of indiscipline, "go-slow" or misconduct is made against a registered dock worker, the Chairman may suspend him forthwith pending inquiry, hold a summary inquiry into the allegation and take any one or more of the following steps against that worker, that is to say, he may—
  - (a) determine that for such period as he thinks proper, that worker shall not be entitled to any payment under clause 42;
  - (b) give him a warning in writing;
  - (c) suspend him without pay for a period not exceeding three months;
  - (d) terminate his services after giving 14 days' notice or 14 days' wages inclusive of dearness allowance in lieu thereof; or



(e) dismiss him.

(3) The provisions of the Scheme relating to disciplinary action against registered employers and registered dock workers shall not apply to any order passed by the Chairman under sub-clause (2).

(4) No appeal shall lie from any order passed by the Chairman under sub-clause (2).

(5) Notwithstanding anything contained in the Scheme, so long as an order under sub-clause (1) is in force, the Chairman may authorise the employment of unregistered worker directly by registered employers and payment to such unregistered workers directly.

51. *Cost of operating the Scheme.*—(1) The cost of operating the Scheme shall be defrayed by payments made by registered employers to the Board. Every registered employer shall pay to the Board such amount by way of levy in respect of reserve pool workers together with and at the same time as the payment of gross wages due from him under clause 37 (5) (i) as the Board may from time to time, prescribe by a written notice to registered employers. If considered necessary, the Board may require any registered employer to pay such amount by way of levy in respect of monthly workers at such rate as it may determine.

(2) In determining what payments are to be made by registered employers under sub-clause (1), the Board may fix different rates of levy for different categories of work or workers, provided that the levy shall be so fixed that the same rate of levy will apply to all dock employers who are in like circumstances.

(3) The Board shall not sanction any levy exceeding fifty per cent. of the estimated total wage bill calculated on the basis of the daily time rate wage without the prior approval of the Central Government.

(4) A registered employer shall on demand make a payment to the Board by way of deposit, or provide such other security for the due payment of the amount referred to in sub-clause (1), as the Board may consider necessary.

(5) The Administrative Body shall furnish from time to time to the Board such statistics and other information as may reasonably be required in connection with the operation and financing of the Scheme.

(6) If a registered employer fails to make the payment due from him under sub-clause (1) within the time prescribed by the Administrative Body, the Administrative Body shall serve a notice on the employer to the effect that, unless he pays his dues within three days from the date of receipt of the notice, the supply of registered dock workers to him shall be suspended. On the expiry of the notice period, the Administrative Body shall suspend the supply of registered dock workers to a defaulting employer until he pays his dues.

52. *Provident Fund and Gratuity.*—(1) The Board in respect of the workers in the reserve pool and the registered employers, in respect of their monthly workers, shall frame and operate rules providing for contributory provident fund. The rules shall provide for the rate of contribution from the workers and the employers, the manner and method of payment and such other matters as may be considered necessary:

Provided that the rules applicable to monthly workers shall not be less favourable than those relating to workers in the reserve pool.

(2) The Board shall frame rules for payment of gratuity to registered workers.

53. *Dock Workers Welfare Fund.*—Cost of amenities, welfare and health measures and recreation facilities for registered workers shall be met from a separate fund called Dock Workers Welfare Fund which shall be maintained by the Board. Contributions to this Fund shall be made by all registered employers at such rate as may be determined by the Board. The Board shall frame rules for contributions to, maintenance and operation of the Fund.

54. *Penalties.*—A contravention of clause 38 shall be punishable with imprisonment for a period not exceeding three months in respect of a first contravention or six months in respect of any subsequent contravention or with fine not exceeding five hundred rupees in respect of a first contravention or one thousand rupees in respect of any subsequent contravention, or with both imprisonment and fine as aforesaid.

## SCHEDULE I

[See Clause 2(2)]

Classes or descriptions of dock work and dock workers to which the Scheme applies.

- (1) Stevedoring work excluding coal work.
- (2) The following categories of stevedore workers:—
  - (a) Dock Foreman.
  - (b) Tindal.
  - (c) Winchman.
  - (d) Tipper.
  - (e) Signal man.
  - (f) Stevedore Mazdoor (including Trimmers).
  - (g) Tally clerk.

## SCHEDULE II

(See Clause 30)

The minimum number of days in a month for which wages are guaranteed should be assessed annually on the basis of the average employment during the immediately preceding 12 months according to the following procedure:

- (a) The total number of manshifts worked every month by stevedore workers or mazdoors and leave reserve workers in the reserve pool should be recorded.
- (b) The effective strength of stevedore workers or mazdoors and leave reserve workers in the reserve pool on all working days should be recorded.

The effective strength of stevedore workers or mazdoors and leave reserve workers in the Reserve Pool on a particular working day shall be

The number of Stevedore workers or mazdoors and leave reserve workers on the reserve pool register on that day.

Number of Stevedore workers or mazdoors and leave reserve workers in the Reserve pool on authorised or unauthorised leave *plus* number of workers in these categories who died or whose services were terminated on that day.

- (c) The effective strength of stevedore workers or mazdoors on all the working days in a month obtained under (b) above should be added up and divided by the number of working days in the month to yield the effective strength of these workers for the month.
- (d) Item (a) should be divided by item (c) to yield the average employment per worker per month in these categories.
- (e) The averages obtained under (d) above for 12 consecutive months should be added up and divided by 12. The average so obtained shall be fixed as the minimum guarantee for the next 12 months.

for clarification, an example is given below:

Suppose that an assessment is made in June 1956 and suppose the effective strength of stevedore workers or mazdoors and leave reserve workers in the reserve pool and the manshifts worked by them during the

period June 1955 to May 1956 are as shown under columns (2) and (3) of the Table Below:

TABLE

Month	Effective strength	Total No. of manshifts worked	Average Employment per worker per month (Shifts)
1	2	3	4
June 1955 . . . . .	2,100	44,100	21
July 1955 . . . . .	2,000	40,000	20
August 1955 . . . . .	2,100	37,800	18
September 1955 . . . . .	1,900	41,800	22
October 1955 . . . . .	1,800	41,400	23
November 1955 . . . . .	2,100	42,000	20
December 1955 . . . . .	2,000	44,000	22
January 1956 . . . . .	1,800	41,400	23
February 1956 . . . . .	2,100	44,100	21
March 1956 . . . . .	1,700	30,600	18
April 1956 . . . . .	2,000	34,000	17
May 1956 . . . . .	2,150	36,550	17

Column (3) divided by column (2) will show the average Employment per worker per month and this is shown in column (4) of the Table.

The minimum number of days in a month for which wages should be guaranteed during the period June 1956 to May 1957 will be

$$21 \div 20 + 18 \div 22 + 23 \div 20 + 22 \div 23 + 21 \div 18 + 17 \div 17 = 20.16$$

12

20.16

After rounding off to the nearest days—20 days.

Although this average has been calculated for the lowest categories of workers only, it will apply to all the categories of stevedore labour, namely, Tindal, Winchman, etc. If a new category is registered, the minimum guarantee of this category to start with will be determined as has been provided in the principles relating to the registration of new categories mentioned in clause 17(3) of the Scheme.

Similar calculation should be made in June 1957 and thereafter every year. If the average number of days in any year works out to be less than the minimum number of days for which wages have already been guaranteed, the latter number will not be reduced. In other orders, the minimum number of days in a month for which wages are guaranteed will progressively increase but will never be decreased.

(No. Fac. 77(1)58.)

P. D. GAIHA, Under Secy.

New Delhi, the 31st May 1958

**S.O. 1058.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the Industrial dispute between the employers in relation to the Katras Choltodih Colliery and their workmen.

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

REFERENCE NO. 10 OF 1958

#### PARTIES:

Employers in relation to the Katras Choltodih Colliery  
and  
Their workmen

Dated the 24th May 1958

#### PRESENT:

Shri Salim M. Merchant, B.A., LL.B.,—Chairman.

## APPEARANCES:

Shri S. S. Mukherjee, B.Sc. B.L., Advocate, instructed by Shri J. P. L. Sinha, Group Personnel Officer, for the company.

Shri D. Narsingh, Advocate, with Shri B. N. Sharma, Member, Executive Committee, Bihar Colliery Mazdoor Sangh, for the workmen.

State: Bihar.

Industry: Coal.

## AWARD

The Government of India, Ministry of Labour & Employment by its Order No. L.R.II-I(7)/58, dated 14th March 1958 made in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (XIV of 1947), was pleased to refer the industrial dispute between the parties above named, in respect of the matters specified in the following schedule to the said order, to this Tribunal for adjudication:—

"(1) Whether the management of Katras Choitodih Colliery, P.O. Katrasgarh (Dhanbad) of Messrs. Bird & Co. (Private) Ltd. is justified in stopping the long existing practice of paying 50 per cent extra wages to the magazine clerks and register clerks or register keepers from February 1957 for working on Sunday; and

(2) If the management is not justified in stopping the above payment from February 1957, what relief are the workmen concerned entitled to?"

2. After the usual notices were issued on the parties to file their written statement, the Secretary, Colliery Mazdoor Sangh, which represents the workmen, filed its written statement on 11th April, 1958 and the management filed its written statement in reply on 28th April, 1958, after which the reference was fixed for hearing at Dhanbad today (24th May, 1958).

3. At to-day's hearing the parties filed the terms of settlement which had been reached between them and have prayed that an award be made in terms thereof. Under the terms of settlement the management has agreed to restore the practice of paying 50 per cent extra wages to the Magazine Clerks, and Register Clerks or Register Keepers with effect from 1st February 1957 or from such date the extra payment was stopped by it. It is also agreed that the amount due to the above persons on the above account would be paid by the employers within one month from the date of this compromise petition. Thus the company has now conceded the demand of the workmen under reference. I therefore accept the terms of settlement and make an award in terms of the settlement filed by the parties, copy of which is annexed hereto as Annexure 'A' which shall form part of this award.

SALIM M. MERCHANT,  
Chairman,

Central Government's Industrial Tribunal, Dhanbad.

Dhanbad,

The 24th May, 1958.

## ANNEXURE "A"

BEFORE THE CENTRAL GOVERNMENT'S INDUSTRIAL TRIBUNAL,  
DHANBAD

IN THE MATTER OF REFERENCE No. 10 OF 1958

The Employers in relation to Katras-Choitodih Colliery

AND

Their Workmen.

The humble petition on behalf of both the parties

Most respectfully sheweth:—

That the above matter has been amicably settled between the parties on the following terms:—

(1) That the practice of paying 50 per cent Extra wages to the Magazine clerks and the Register clerks or Register keepers is restored. This will have effect from 1st February 1957 or from such date the above extra payment was stopped.

(2) That the amount due to the above persons on the above account will be paid by the employers within one month from the date of this compromise petition,

(3) That the parties will bear their own respective costs of this reference.

It is therefore prayed that this compromise may kindly be recorded and an award passed in terms thereof.

And for this your petitioners as in duty bound shall ever pray.

For employers in relation to Katras-Choitudih Colliery.

For Workmen.

(Sd.) Advocate.

(Sd.) Advocate.

[No. LR-II-1(7)/58.]

**S.O. 1059.**—In exercise of the powers conferred by section 4 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby appoints, for a period of one year, the officers mentioned in column (2) of the table annexed hereto as conciliation officers for the quarrying industry in the areas specified in the corresponding entry in column (3) of the said table.

Sl. No.	Designation of officer	Jurisdiction
(1)	(2)	(3)
1	Deputy Commissioner, Mahasu Kasumpti, Simla.	Mahasu district in the Union territory of Himachal Pradesh.
2	Deputy Commissioner, Mandi (Himachal Pradesh).	Mandi district in the Union territory of Himachal Pradesh.
3	Deputy Commissioner, Sirmur, Nahan.	Sirmur district in the Union territory of Himachal Pradesh.
4	Deputy Commissioner, Chamba (Himachal Pradesh).	Chamba district in the Union territory of Himachal Pradesh.

[No. LR II/57/6/5/57.]

### ORDER

*New Delhi, the 28th May 1958*

**S.O. 1060.**—Whereas the Central Government is of the opinion that an industrial dispute exists between the employers in relation to Karampada Mines of M/s Misrilall Jain, Barajamda, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

### THE SCHEDULE

Whether the workmen employed in the Karampada Mines of Messrs. Misrilall Jain, Barajamda, are entitled to bonus for the year 1956-57 and if so, what should be the quantum of such bonus?

[No. LR II/11(41)/58.]

A. L. HANDA, Under Secy.

### ORDERS

*New Delhi, the 29th May 1958*

**S.O. 1061.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Bihar-Bakhtiarpur Light

Railway and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

#### SCHEDULE

- (1) Whether the strike by the workmen of the Bihar-Bakhtiarpur Light Railway with effect from the 23rd February, 1958 was justified and if so, to what relief, the workmen are entitled.
- (2) Whether the notice issued by the Chairman of the said Railway in March 1958 to the workmen amounts to closure of the said Railway and if so, to what relief the workmen are entitled.
- (3) Whether the workmen are entitled to provident fund and gratuity and if so, on what scale and subject to what conditions.

[No. LR-3(14)/58.]

*New Delhi, the 3rd June 1958*

**S.O. 1062.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Allahabad Bank Limited, Moradabad City, and their workmen regarding the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to Shri E. Krishna Murti, Central Industrial Tribunal, Delhi, constituted under section 7A of the said Act.

#### SCHEDULE

- (1) Whether Shri K. N. Verma is covered by the definition of the term "workman" as given in section 2(s) of the Industrial Disputes Act, 1947?
- (2) If so, whether the decision of the Allahabad Bank Limited to terminate his services is justified and if not, to what relief he is entitled?

[No. LRI.10(41)/58.]

K. D. HAJELA, Under Secy.

#### ORDER

*New Delhi, the 2nd June 1958*

**S.O. 1063.**—In exercise of the powers conferred by clause (v) of sub-rule (2) of rule 21 of the Minimum Wages (Central) Rules, 1950, the Central Government hereby authorises deductions being made by the Bombay Port Trust of any amounts recoverable from its employees under its Regulations for Dental treatment or its rules relating to Medical Attendance and Treatment, subject to the condition that the amount of such deductions recoverable from an employee shall not exceed 25 per cent of his monthly wages in any one month.

[No. LWI-I-3(58)/57.]

BALWANT SINGH, Under Secy.

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**MINISTRY OF INFORMATION & BROADCASTING**

*New Delhi-2, the 26th May 1958*

**S.O. 1064.**—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules regulating the method of recruitment to the posts of Station Director and Assistant Station Director, All India Radio, namely:

**Short Title.**—These rules may be called Broadcasting Stations, All India Radio Recruitment Rules, 1958.

**Method of Recruitment.**—Recruitment to the posts of Station Director and Assistant Station Director, All India Radio shall be made in accordance with the provisions contained in the enclosed schedules.

## SCHEDULE I

## Recruitment Rules for the Posts of Station Director in the All India Radio

Name of post	Classification	Scale of pay	Whether selection post or non-selection post	Age limit for direct recruits	Educational and other qualifications required	Whether age & educational qualifications prescribed for the direct recruits will apply in the case of promotees	Period of probation, if any	Method of rectt. whether by direct/rectt. or by promotion/transfer & which percentage of the vacancies to be filled by various methods	In case of rectt. by promotion/transfer, what is the grade from composition to be made	If a DPC exists, what is its composition	Circumstances in which UPSC is to be consulted in making recruitment
1	2	3	4	5	6	7	8	9	10	11	12
Station Director	G. C. S. Class I Gazetted	Rs. 760—40— 1000—1000 —EB— 1050—1050 —1100— 1100—1150 —1200.	Selection	*Between 35 & 45 years	ESSENTIAL :— (1) A degree of recognised University (relaxable in case of candidates with exceptional qualifications in Art and/or letters).  (2) Knowledge of India's cultural heritage and of different forms of cultural and artistic expressions in the country (evidence to be furnished).	N.A.	2 years	By promotion 100 %	Promotion : Assistant Station Directors with at least 5 years' service in the grade.	Class I D.P.C.	As required under the rules.



(3) About 5 years' experience in a responsible position in educational, cultural or professional institution/organisation.

(4) Knowledge of current affairs and contemporary thought.

(5) Adequate knowledge of at least one Indian language.

(Relaxation Clause)]

DESIRABLE ]

(i) Fair knowledge of Hindi.

[(ii) Some knowledge of music and dramatics.

[(iii) Experience of organising cultural activities.

\*Relaxable for Government servants and Scheduled Castes/Tribes candidates in accordance with the orders issued by the Ministry of Home Affairs from time to time.

*Recruitment Rules for the Posts of Assistant Station Director in the All India Radio.*

Name of posts	Classification	Scale of pay	Whether selection post or non-selection	Age limit for direct recruits	Educational and other qualifications required	Whether age & educational qualifications prescribed for the direct recruits will apply in case of promotees	Period of probation, if any	Method of rectt. whether by direct rectt. or by promotion or transfer and percentage of the vacancies to be filled by various methods	In case of rectt. by promotion transfer, grades from which promotion to be made	If a DPC exists what position is its composition	Circumstances in which UPSC. is to be consulted in making recruitment
1	2	3	4	5	6	7	8	9	10	11	12
Assistant Station Director	G. C. S. Class II Gazetted.	450—25—500—EB—30—800	Selection	*Between 28 & 40 years.	<p><b>ESSENTIAL</b></p> <p>(1) Degree of a recognised University.</p> <p>(2) Intimate knowledge of the literature of at least one Indian Language.</p> <p>(3) Knowledge of India's cultural heritage and of different forms of cultural and artistic expression in the country. (Evidence of published work to be furnished).</p> <p>(4) Administrative knowledge or experience evincing ability and capacity for organisation.</p>	N.A.	2 years	By prom. 40 % By Dir. Rectt. 60,	Promotion Programme Executives, with at least 5 years' service in the grade.	Class II D.P.C.	As required under the rules

- (5) Knowledge of current affairs.

*(Relaxation Clause)*

**DESIRABLE**

- (1) Fair knowledge of Hindi.
- (2) Some knowledge of music and dramatics.
- (3) Experience of organising cultural activities.

\*Relaxable for Government servants and Scheduled Castes/Tribes candidates in, accordance with the orders issued by the Ministry of Home Affairs from time to time.

[No. 5(39)/56-B(A).]

S. L. BHALLA, Under Secy.

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**ORDER**

*New Delhi, the 3rd June 1958*

**S.O. 1065.**—The Central Government hereby:

- (a) directs, in pursuance of the provisions of the Order of the Government of India in the Ministry of Information and Broadcasting No. S.R.O. 3805 dated the 26th December, 1955 and in modification of the Order of the Government of India in the Ministry of Information and Broadcasting No. S. O. 932 dated the 16th May, 1958 that the Advisory Panel of the Central Board of Film Censors at Bombay shall consist of 34 members with immediate effect; and
- (b) appoints, after consultation with the Central Board of Film Censors, the following persons as members of Advisory Panel of the said Board at Bombay with immediate effect in exercise of the powers conferred by sub-rule (3) of rule 9 read with sub-rule (1) of rule 10 of the Cinematograph (Censorship) Rules, 1951:—
  - 1. Shri Gurbachan Singh Talib,
  - 2. Professor D. L. Khanna.

[No. 14/3/57-FC.]

D. R. KHANNA, Under Secy.